



WEB COPY



W.P.No.19518 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.P.No.19518 of 2024

M.Sathish Kumar

... Petitioner

Vs.

1.The Director General of Police &
Director General of Prison
and Correctional Service,
Whannels Road, Egmore, Chennai 8

2.The Superintendent of Central Prison
Central Prison -I
Puzhal, Chennai-66.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to consider the representation dated 5.7.2024 made on behalf of the petitioner's brother and grant 60 days remission to the petitioner's brother M. Stalin S/o Malarmannan convict No 8479 in SC No. 37/2015 in the Sessions Case on the file of the Special Court for exclusive trial of cases under POSCO Act, Chennai for a period of 60 days from the date of his release now confined in Central Prison - I Puzhal, Chennai-66, for the years 2021, 2022, 2023 as per



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rules 325, 326 of Tamil Nadu Prison Rules 1983 within the reasonable period.

For Petitioner : M/s.V.K.Sathiamurthy
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor.

ORDER

(Order of the Court was delivered by S.M.Subramaniam J.)

This petition has been filed seeking a Writ of Mandamus to direct the respondents to consider the representation dated 05.07.2024 made on behalf of the petitioner's brother and grant 60 days remission to the petitioner's brother M. Stalin S/o Malarmannan (convict No.8479) confined at Central Prison-I Puzhal, Chennai-66, who was convicted for the offences under Sections 6 of POCSO Act and sentenced to undergo rigorous imprisonment for 7 years and to pay a fine of Rs.5,000/-, and in default to undergo simple imprisonment for three months by the Session Judge, Special Court for Exclusive Trial of cases Chennai in Spl.S.C.No.37 of 2015 dated 26.07.2021.



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2. The learned counsel for the petitioner submitted that the petitioner's brother/convict prisoner has undergone imprisonment for a period of 3 years 3 months and 7 days including the remand set off period. He would further submit that the petitioner's mother, who is also the mother of the convict prisoner, is aged about 68 years is not well and had suffered heart attack. Since the petitioner lives separately and the mother was always staying with the convict prisoner, there is no one to look after her.

3. At this juncture, the learned Additional Public Prosecutor Mr.E.Raj Thilak would submit that the convict prisoner is eligible to avail ordinary leave for a period of 21 days and there is no other prisoner offence traced out by the prison authorities during the course of his imprisonment. The Probation Officer also recommended for grant of ordinary leave for the convict prisoner.

4. In view of the favourable recommendation of the Probation Officer and considering the fact that the convict prisoner is eligible to avail ordinary leave for a period of 21 days, this Court is inclined to grant 21 days Ordinary Leave to the convict prisoner.



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5. Accordingly, the convict prisoner viz., M. Stalin S/o Malarmannan (convict No.8479), confined at Central Prison-I Puzhal, Chennai-66, is hereby granted Ordinary Leave without escort for a period of 21 days commencing from **23.08.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., M. Stalin S/o Malarmannan (convict No.8479), confined at Central Prison-I Puzhal, Chennai-66, on Ordinary Leave without escort for a period of 21 days commencing from **23.08.2024**

(ii) The Convict Prisoner shall be released on 23.08.2024 at 10.00 a.m. and surrender before the Superintendent, Central Prison-I Puzhal, Chennai-66 on 13.09.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, N.3, Muthiyal Pettai Police Station, Chennai, once in a week at 10.00 a.m. during the period of leave.

(iv) The Convict Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities.



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6. Accordingly, the writ petition stands **disposed of**. No Costs.

(S.M.S.J.,)

(R.S.V.J.,)

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Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)

To

- 1.The Director General of Police &
Director General Of Prison
and Correctional Service,
Whannels Road, Egmore, Chennai 8
- 2.The Superintendent of Central Prison
Central Prison -I
Puzhal, Chennai 66
3. Public Prosecutor,
High Court of Madras.



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and

R.SAKTHIVEL, J.

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