



WEB COPY



W.P.No.20246 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.20246 of 2024

Amalorpavam

... Petitioner

Vs.

1.The State rep. by its,
The Deputy Inspector General of Prison,
Office of Deputy Inspector General of Prisons,
Vellore Range, Ramset Nagar, Thorapadi, Vellore-2.

2.The Superintendent of Prison,
Central Prison, Vellore, Ramset Nagar,
Thorapadi, Vellore – 2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, Direction to the respondents to grant ordinary leave to the petitioner / convict prisoner namely Mr.Chinnathurai @ Moses S/o.Royappan (CT No.17408) for a period of 40 days without escort in pursuance of the petitioners representation dated 28.06.2024

For Petitioner : Mr.M.Mohamed Saifulla

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor



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ORDER

WEB COPY (Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

This petition has been filed seeking a Writ of Mandamus to direct the respondents to grant ordinary leave for a period of 40 days without escort for the petitioner's husband Chinnathurai @ Moses S/o.Royappan (CT No.17408), confined at Central Prison, Vellore, who was convicted for the offences under Section 302 r/w 149 IPC (4 counts) and was convicted to undergo death penalty; Section 307 r/w 149 IPC (2 counts) and was sentenced to undergo rigorous imprisonment for 3 years; under Section 201 r/w 149 IPC and was sentenced to undergo rigorous imprisonment for 2 years; under Section 148 IPC and was sentenced to undergo rigorous imprisonment for one year by the learned Additional Sessions Judge, Tiruvannamalai in S.C.No.1431 of 1999 dated 28.08.2002.

2. The learned counsel for the petitioner submitted that the petitioner's husband/convict prisoner has undergone 10 years 9 months and 21 days of imprisonment, including the remand set off period and that he seeks for ordinary leave for the petitioner's husband to make arrangements for the livelihood of their family and for the settlement of life after release.



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3. The Probation Officer, in his report, has stated that the reasons assigned by the petitioner for grant of leave is true and stated about the good conduct of the prisoner. Thus, he has recommended for grant of ordinary leave to the convict prisoner.

4. In view of the favourable recommendation of the Probation Officer, we are inclined to invoke our powers under Article 226 of the Constitution of India, thereby granting required leave to the convict prisoner herein.

5. At this juncture, learned Additional Public Prosecutor submitted that the convict prisoner is eligible to avail 40 days of ordinary leave.

6. Accordingly, the convict prisoner viz., Chinnathurai @ Moses S/o.Royappan (CT No.17408), confined at Central Prison, Vellore, is hereby granted ordinary leave for a period of 40 days, without escort commencing from 20.08.2024 on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Chinnathurai @ Moses S/o.Royappan (CT No.17408), on Ordinary Leave for a period of **40 days i.e., from 20.08.2024 to 28.09.2024.**



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(ii) The Convict Prisoner shall be released on 20.08.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison, Vellore, on 28.09.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Vadaponparappi Police Station once in a week at 05.30 pm, 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.

8. Accordingly, the writ petition stands disposed of. No Costs.

[S.M.S., J.]

[V.S.G., J.]

13.08.2024

Index: Yes/No

Speaking/Non-speaking order

gd



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- To
- 1.The Deputy Inspector General of Prison,
Office of Deputy Inspector General of Prisons,
Vellore Range, Ramset Nagar, Thorapadi, Vellore-2.
 - 2.The Superintendent of Prison,
Central Prison, Vellore, Ramset Nagar,
Thorapadi, Vellore – 2.
 - 3.The Public Prosecutor,
High Court,
Madras.



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