



WEB COPY



W.P.No.19780 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM :

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

W.P.No.19780 of 2024

Benazir Banu

... Petitioner/Wife of the detenue

Vs.

1. The State represented by its,
The Deputy Inspector General of Prison,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.

2. The Superintendent,
Puzhal Central Prison – I,
Puzhal – 600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to grant ordinary leave for 30 days without escort to the detenue, Alaudeen S/o. Samsudeen aged about 34 years bearing Convict No. 5630 confined at Central Prison, Puzhal.

For Petitioner : Ms.S.Sadhana

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



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ORDER

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

This petition has been filed seeking direction to the respondents to grant ordinary leave for 30 days without escort to the detenue, Aladeen S/o. Samsudeen aged about 34 years bearing Convict No. 5630 confined at Central Prison, Puzhal. who was convicted for the offences punishable under Sections 120B IPC, 302 r/w 34 IPC and 201 IPC, 392 r/w 397 IPC, 465 r/w 109 IPC and sentenced to undergo Life Imprisonment in S.C.No.694 of 2005 dated 17.07.2014 by the learned Additional Sessions Court, Kancheepuram District at Chengalpattu.

2. The learned counsel for the petitioner submitted that the petitioner's husband/convict prisoner has undergone 06 years 08 months and 23 days of imprisonment, including the remand set off period and she seeks 30 days of ordinary leave to her husband/convict prisoner to make arrangements for her son's medical expenses and for the livelihood of their family.



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3. At this juncture, learned Additional Public Prosecutor would oppose by stating that the convict prisoner is not eligible to avail ordinary leave for the following reasons:

(i) Earlier, the convict prisoner was granted 3 days court leave with police escort from 25.10.2023 to 27.10.2023 as per the order dated 16.10.2023 in W.P.No.30132 of 2023. After availing the said leave, the prisoner declined to pay the escort charges of Rs.1,31,893/-. When this was brought to the notice this Court, this Court reduced the escort charge amount to Rs.20,000/- and the amount was not paid till date.

(ii) When the convict prisoner was released on 06 days emergency leave without police escort on 28.04.2018, he was supposed to return on 05.05.2018 but he failed to return and had absconded. Later, the said prisoner was re-captured on 13.10.2021.

Thus, the convict prisoner has committed an offence under Section 224 of IPC and he is not eligible for ordinary leave as per Rule No.21(d)(5) of Tamil Nadu Suspension of Sentence Rules, 1982.



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4. The objection raised by the learned Additional Public Prosecutor seems to be acceptable. The convict prisoner had breached the undertaking given by him and thus, he is not eligible to avail ordinary leave. Therefore, we are not inclined to consider this petition and consequently, this Writ Petition stands **dismissed**. No costs.

[S.M.S., J.]

[V.S.G., J.]

16.08.2024

Index: Yes/No

Speaking/Non-speaking order

veda

To

1. The Deputy Inspector General of Prison,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.
2. The Superintendent,
Puzhal Central Prison – I,
Puzhal – 600 066.



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