



WEB COPY



W.P.No.20023 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.20023 of 2024

Senjoan

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels Road,
Egmore, Chennai – 600 008.

2.The Superintendent of Prisons,
Central Prison-1,
Puzhal, Chennai – 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 21 days without escort for the petitioner namely Senjoan S/o.Mariyasusai, aged about 63 years, convict prisoner, Convict No.7739, Central Prison, Puzhal.

For Petitioner : Ms.S.Nadhiya

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 a Writ of Mandamus to direct the respondents to grant ordinary leave for a period of 21 days without escort for the petitioner namely Senjoan S/o.Mariyasusai, aged about 63 years, convict prisoner, Convict No.7739, Central Prison, Puzhal, who was convicted for the offences under Section 6 of POCSO Act and was sentenced to undergo rigorous imprisonment for 10 years and fine Rs.5,000/-, in default to undergo rigorous imprisonment for 6 months by the Magalir Neethimandram (Mahila Court), Chennai in S.C.No.371 of 2018 dated 04.10.2019.

2. The learned counsel for the petitioner submitted that the petitioner/convict prisoner has undergone 5 years 0 months and 29 days of imprisonment, including the remand set off period and that he seeks for ordinary leave for the petitioner to make medical arrangements for his wife and to repair his house which is in damaged condition.



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3. The Probation Officer, in his report, has stated that the reasons assigned by the petitioner for grant of leave are not true and he has not recommended for grant of ordinary leave to the convict prisoner.

4. The learned Additional Public Prosecutor submitted that the convict prisoner is eligible to avail only 21 days of ordinary leave.

5. In view of the favourable recommendation of the Additional Public Prosecutor, we are inclined to invoke our powers under Article 226 of the Constitution of India, thereby granting required leave to the convict prisoner herein.

6. Accordingly, the convict prisoner viz., Senjoan S/o.Mariyasusai, aged about 63 years, convict prisoner, Convict No.7739, Central Prison, Puzhal, is hereby granted ordinary leave for a period of 21 days, without escort commencing from 20.08.2024 on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Senjoan S/o.Mariyasusai, aged about 63 years, on Ordinary Leave for a period of **21 days i.e., from 20.08.2024 to 09.09.2024.**



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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-1, Puzhal, Chennai, on 09.09.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, V-1, Villivakkam Police Station, Chennai 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

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 - 2.The Superintendent of Prisons,
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 - 3.The Public Prosecutor,
High Court,
Madras.



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