



WEB COPY



W.P.No.20118 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.20118 of 2024

Mr.Yuga Athithyan

... Petitioner

Vs.

1.The State rep. by its
The Deputy Inspector General of Prison,
Coimbatore Range, Gandhipuram,
Coimbatore 641018.

2. The Superintendent of Prison
Coimbatore Central Prison,
Gandhipuram, Coimbatore 641018.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to grant 28 days Ordinary leave without escort to the petitioner / convict namely Mr.Yuga Athithyan S/o.Velliyangiri by considering petitioners mother representation dated 05.03.2024.

For Petitioner : Mr.M.Mohamed Saifulla

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



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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 respondent to grant 28 days Ordinary leave without escort to the petitioner / convict, namely, Mr.Yuga Athithyan S/o.Velliyangiri, Central Prison, Gandhipuram, Coimbatore, who was convicted for the offences under Sections 449, 302, 404 and 201 r/w 302 of IPC and sentenced to undergo life imprisonment with a fine of Rs.10,000/- by the II Additional District and Sessions Court, Salem, in S.C.No.112 of 2015 dated 21.07.2016.

2. The learned counsel for the petitioner submitted that the petitioner /convict prisoner is a life convict and has undergone imprisonment for a period of 8 years. He would also submit that the convict prisoner has not availed any leave so far for the past about 8 years and that he seeks ordinary leave for the petitioner/convict prisoner to make arrangements for the livelihood of his family and for the settlement of life after release.

3. At this juncture, the learned Additional Public Prosecutor Mr.E.Raj



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Thilak would submit that there is no adverse conduct noticed by the prison authorities and the Probation Officer also has not given any adverse report against the convict prisoner. However, the learned Additional Public Prosecutor would submit that the reason stated in the application for leave is found to be incorrect.

4. Though the reason stated by the convict prisoner in the application for leave is incorrect, the convict prisoner has not come across any adverse notice. Therefore, we are inclined to consider the case of the convict prisoner for grant of ordinary leave for a period of 28 days.

5. Accordingly, the convict prisoner viz., Mr.Yuga Athithyan S/o.Velliyangiri, Central Prison, Gandhipuram, Coimbatore, is hereby granted Ordinary Leave without escort for a period of 28 days commencing from **23.08.2024** on the following conditions:-

(i) Respondents are directed to release the Convict Prisoner viz., Mr.Yuga Athithyan S/o.Velliyangiri, Central Prison, Gandhipuram, Coimbatore, on Ordinary Leave without escort for a period of 28 days commencing from



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(ii) The Convict Prisoner shall be released on 23.08.2024 at 10.00 a.m. and surrender before the Superintendent, Central Prison, Gandhipuram, Coimbatore, on 20.09.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Gownthppadi Police Station, Erode District 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.

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

(S.M.S.J.,)

(R.S.V.J.,)

19.08.2024

Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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To

1. The Deputy Inspector General of Prison,
Coimbatore Range, Gandhipuram,
Coimbatore 641018.
2. The Superintendent of Prison
Coimbatore Central Prison,
Gandhipuram, Coimbatore 641018.
3. The Public Prosecutor
High Court Madras.



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S.M.SUBRAMANIAM, J.

and

R.SAKTHIVEL, J.

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