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W.P.No.20395 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM :

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

W.P.No.20395 of 2024

Shanthi

.. Petitioner/mother of the
detenue

Vs.

1.The State represented by its,
The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore 641 018.

2.The Superintendent,
Central Prison,
Coimbatore – 641 018

... 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, Sathishkumar, S/o.Pichaikani, aged about 40 years, convict prisoner, bearing Convict No.22423 confined at Central Prison, Coimbatore.

For Petitioner : Mr.S. Jeevananthan

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



W.P.No.20395 of 2024

WEB COPY

ORDER

(Order of the Court is 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 30 days for the petitioner's son **Sathishkumar S/o.Pichaikani, aged about 40 years, convict prisoner, bearing Convict No.22423 confined at Central Prison, Coimbatore**, who was convicted for the offences under Section 8(1) r/w. 21(c) of NDPS Act and was sentenced to undergo Rigorous Imprisonment for 10 years and fine of Rs.1,00,000/- , in default, Rigorous Imprisonment for one year by the Additional District Judge and Presiding Officer, Special Court under E.C. Act, Coimbatore, in C.C.No.30 of 2019 dated 20.11.2019. The above sentences were directed to run concurrently.

2. The learned counsel for the petitioner submitted that the petitioner's son/convict prisoner has undergone 5 years 04 months and 08 days of imprisonment, including the remand set off period and that he seeks for ordinary leave on the ground that the son of the petitioner has to make necessary arrangements for partition.



W.P.No.20395 of 2024

WEB COP

3. The Probation Officer, in his report, has stated that the reasons assigned by the petitioner for grant of leave is true and 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 herein is eligible to avail only 21 days of ordinary leave. There is no adverse remark against the convict prisoner.

6. Accordingly, the convict prisoner viz., **Sathishkumar S/o.Pichaikani, aged about 40 years, convict prisoner, bearing Convict No.22423, confined at Central Prison, Coimbatore**, is hereby granted ordinary leave for a period of 21 days, without escort commencing from **30.08.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., **Sathishkumar S/o.Pichaikani, aged about 40**



WEB COPY



W.P.No.20395 of 2024

years, convict prisoner, bearing Convict No.22423 confined at Central Prison, Coimbatore, on Ordinary Leave for a period of 21 days i.e., from 30.08.2024 to 19.09.2024.

(ii) The Convict Prisoner shall be released on 30.08.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison, Coimbatore, on 19.09.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Aandipatti Police Station, Theni District, 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.

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

[S.M.S., J.]

[V.S.G., J.]

22.08.2024

Index: Yes/No

Speaking/Non-speaking order

mrp

To



W.P.No.20395 of 2024

1. The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore 641 018.
2. The Superintendent,
Central Prison,
Coimbatore – 641 018
3. The Public Prosecutor.
High Court, Madras.



WEB COPY



W.P.No.20395 of 2024

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W.P.No.20395 of 2024

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