



W.P.No.20462 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**

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S.Rathinam

.. Petitioner/mother of the
detenue

Vs.

1.The State represented by its,
The Secretary to the Government of Tamil Naldu,
Department of Home,
Fort St.George,
Chennai – 600 009.

2. The Director Inspector General of Prison,
Coimbatore Range,
Coimbatore Central Prison,
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 to the petitioner's son the detenue, Prabhu, S/o.



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Senni, aged about 32 years, convict prisoner, bearing Convict No.23377 detained at Central Prison, Coimbatore.

For Petitioner : Dr. S. Mandharan
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

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, viz., **Prabhu, S/o. Senni, aged about 32 years, convict prisoner, bearing Convict No.23377 detained at Central Prison, Coimbatore**, who was convicted and sentenced by the learned Special Judge, Special Court under TNPID Act, Coimbatore in CC No.3 of 2014 dated 23.11.2021, as under:-

Conviction under Section	Sentence
5 of TNPID Act (69 counts)	Rigorous imprisonment for ten years and to pay a fine of Rs.30,000/-, in default, to undergo Rigorous imprisonment for two years.
420 IPC(69 counts)	Rigorous Imprisonment for 7 years and to pay a fine of Rs.30,000/-, in default, to undergo rigorous imprisonment for one and half years.



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Conviction under Section	Sentence
120(b) r/w.420 IPC	Rigorous Imprisonment for 7 years and to pay a fine of Rs.30,000/-, in default, to undergo rigorous imprisonment for one and half years. (Total fine Rs.82,80,000)

The above sentences were ordered to run concurrently.

2. The learned counsel for the petitioner submitted that the petitioner's son/convict prisoner has undergone 2 years 09 months and 14 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 the livelihood of his family and for the settlement of life after his release and also for construction or repairing the homestead.

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.



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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., **Prabhu, S/o. Senni, aged about 32 years, convict prisoner, bearing Convict No.23377, detained 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., **Prabhu, S/o. Senni, aged about 32 years, convict prisoner, bearing Convict No.23377 detained 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, Siruvalur Police Station, Erode District, once in a week at 05.30 pm, during the period of leave.

(iv) The Convict Prisoner shall utilize the leave only for



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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

1. The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai – 600 009.
2. The Director Inspector General of Prison,
Coimbatore Range,
Coimbatore Central Prison,
Coimbatore 641 018.
3. The Superintendent,
Central Prison,
Coimbatore – 641 018
4. The Public Prosecutor.
High Court, Madras.

S.M.SUBRAMANIAM, J.
AND



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V.SIVAGNANAM, J.

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