



WEB COPY



W.P.No.20819 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.P.No.20819 of 2024

Sundari

... Petitioner

Vs.

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

2.The Deputy Inspector General of Prison,
Chennai Range,
Egmore, Chennai 600 008.

3.The Superintendent,
Women's Central Prison,
Puzhal Chennai.

... 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 detinue, Priya W/o Gopi aged about 34 years Convict No.844 confined at Women's Central Prison, Puzhal III.

For Petitioner

: Ms.K.Akshaya

For Respondents

: Mr.E.Raj Thilak,

Additional Public Prosecutor



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ORDER

WEB COPY (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 30 days without escort to the the detenue, Priya W/o Gopi aged about 34 years Convict No.844 confined at Women's Central Prison, Puzhal III, who was convicted for the offences under Section 302 IPC and was sentenced to undergo life imprisonment and to pay a fine of Rs.10,000/- in default to undergo rigorous imprisonment for six months; under Section 394 r/w 397 IPC and was sentenced to undergo rigorous imprisonment for 7 years and to pay a fine of Rs.10,000/- in default to undergo rigorous imprisonment for six months.

2. The learned counsel for the petitioner submitted that the convict prisoner has undergone 11 years 6 months and 14 days of imprisonment, including the remand period and that he seeks for ordinary leave for the detenue.

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.



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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 is eligible to avail only 28 days of ordinary leave.

6. Accordingly, the convict prisoner viz., the detainee, Priya W/o Gopi aged about 34 years, Convict No.844 confined at Women's Central Prison, Puzhal III, is hereby granted ordinary leave for a period of 28 days, without escort commencing from 02.09.2024 on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., the detainee, Priya W/o Gopi aged about 34 years Convict No.844 confined at Women's Central Prison, Puzhal III, on Ordinary Leave for a period of **28 days i.e., from 02.09.2024 to 29.09.2024.**

(ii) The Convict Prisoner shall be released on 02.09.2024 at 10.00 am and surrender before the The Superintendent, Women's Central Prison, Puzhal, Chennai., on 29.09.2024 at 05.30 p.m.



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(iii) The Convict Prisoner is directed to report before the Inspector of Police, Grand Bazar Police Station, Puducherry, 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.]

[R.S.V., J.]

23.08.2024

Index: Yes/No

Speaking/Non-speaking order

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To

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4. The Public Prosecutor,
High Court, Madras.



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