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W.P.No.21522 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM :

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

W.P.No.21522 of 2024

R.Kalaiselvi

... Petitioner

Vs.

- 1.The Director General of Prison
Office of Director General of Prison,
Whanells Road, Egmore,
Chennai District – 600 008.
- 2.The Deputy Director General of Prison,
Office of Director General of Prison,
Whanells Road, Egmore,
Chennai District – 600 008.
- 3.The Superintendent of Prison,
Central Prison Puzhal,
Chennai District.
- 4.The Inspector of Police,
T-6, Avadi Police Station,
Chennai District.

... 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 15 days ordinary leave without escort to petitioner husband convict prisoner Mr Rajaguru S/o Perumal now confine in central Prison – Puzhal, for the purpose of “to making arrangements of higher treatment of convict mother



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and arrange the education of the convict sons” in pursuant to petitioner representation dated on 29.06.2024.

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

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 15 days ordinary leave without escort to petitioner husband convict prisoner Rajaguru S/o Perumal now confine in central Prison – Puzhal, aged about 36 years, Convict no.7976, who was convicted for the offences under Section 302 IPC r/w 34 IPC and was sentenced to undergo life imprisonment and fine Rs.7,000/-, in default rigorous imprisonment for 6 months and for the offences under Section 341 IPC and was sentenced to undergo simple imprisonment for 1 month by the III Additional District and Sessions Court, Tiruvallur, Poonamallee in S.C.No.141 of 2016 dated 13.02.2020.

2. The learned counsel for the petitioner submitted that the convict prisoner has undergone 4 years 05 months and 17 days of imprisonment, including the remand set off period and that he seeks for ordinary leave for the convict prisoner to make arrangements for his mother's medical expenses, as she



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is suffering from medical ailments and make arrangements for his son's school fees.

3. The Probation Officer, in his report, has stated that the reasons assigned by the petitioner for grant of leave is false and he has not recommended for grant of ordinary leave to the convict prisoner. However, the learned Additional Public Prosecutor would submit that the convict prisoner is eligible for 21 day of ordinary leave.

4. In view of the favourable submission of the learned Additional Public Prosecutor, we are inclined to grant ordinary leave to the convict prisoner herein.

5. Accordingly, the convict prisoner viz., Rajaguru S/o Perumal now confined in central Prison – Puzhal, aged about 36 years, Convict no.7976, is hereby granted ordinary leave for a period of **21 days**, without escort commencing from **05.09.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Rajaguru S/o Perumal now confine in central Prison – Puzhal, aged about 36 years, Convict no.7976, on Ordinary Leave for a period of **21 days i.e., from 05.09.2024 to**



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26.09.2024.

(ii) The Convict Prisoner shall be released on **05.09.2024** at 10.00 am and surrender before the Superintendent, Central Prison Puzhal, Chennai District. – 641 018, on **26.09.2024** at 10.00 a.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, T-6 Avadi Police Station 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.]

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Index: Yes/No

Speaking/Non-speaking order

gd

To



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5. The Public Prosecutor,
High Court of Madras.



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