



WEB COPY



W.P.No.20383 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.20383 of 2024

Amaravathi

... Petitioner

Vs.

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

2.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore – 641 018

3.The Superintendent,
Central Prison Salem,
Salem- 636 007

... 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, Ravikumar S/o. Rengasamy, aged about 48 years, bearing Convict No.1271 confined at Central Prison, Vellore.

For Petitioner : Mr. P. Bakiyaraj

For Respondents : Mr.E.Raj Thilak,

Additional Public Prosecutor



W.P.No.20383 of 2024

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

WEB COPY

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 husband Ravikumar, S/o. Rengasamy, aged about 48 years, bearing Convict No.1271, confined at Central Prison, Salem, who was convicted for the offences under Section 306(5 counts) IPC and was sentenced to undergo Rigorous Imprisonment for 10 years and fine of Rs.5000/- , in default, Rigorous Imprisonment for 6 months and for the offence under Section 509 IPC, sentenced to undergo Rigorous Imprisonment for one year, and for the offence under Section 506(1) of IPC, sentenced to undergo Rigorous Imprisonment for two years and for the offence under Section 4 of TNWH Act, sentenced to undergo Rigorous Imprisonment for 2 years and imposed a fine Rs.10,000/-, in default, to undergo Rigorous Imprisonment for 6 months by the III Additional District and Sessions Judge, Vellore at Tirupattur in S.C.No.301 of 2009 dated 27.08.2012. The above sentences were directed to run concurrently.

2. The learned counsel for the petitioner submitted that the petitioner's husband/convict prisoner has undergone 1 years 09 months and 26 days of imprisonment, including the remand set off period and that he seeks for



W.P.No.20383 of 2024

ordinary leave on the ground that the husband of the petitioner has to make necessary arrangements to sell the house for the purpose of children's education.

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., Ravikumar, S/o. Rengasamy, aged 48 years, Convict Prisoner, bearing Convict No.1271, Confined at Central Prison, Salem, 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



WEB COPY



W.P.No.20383 of 2024

Prisoner viz., Ravikumar, S/o. Rengasamy, aged 48 years, Convict prisoner, bearing Convict No.1271, Confined at Central Prison, Salem, 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, Salem– 600 066, on 19.09.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Soolagiri Police Station, Krishnagiri 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

1. The Secretary to the Government of Tamil Nadu,
Department of Home,



W.P.No.20383 of 2024

Fort St.George,
Chennai – 600 009.

WEB COPY

2. The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore – 641 018
3. The Superintendent,
Central Prison Salem,
Salem- 636 007
4. The Public Prosecutor.
High Court, Madras.



WEB COPY



W.P.No.20383 of 2024

S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

mrp

W.P.No.20383 of 2024

22.08.2024