



WEB COPY



W.P.No.21654 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.21654 of 2024

Saroja

... Petitioner

Vs.

1 The State represented by its.
The Secretary To Government
Of Tamilnadu,
Home Department,
(Prison Branch-IV)
Fort St.George, Chennai-600 009

2 The Deputy Inspector General Of Prison,
Coimbatore Range, Coimbatore Central Prison,
Coimbatore- 641 018

3 The Superintendent,
Coimbatore 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 Mani @ Velumani, S/o.Kumarasamy Gounder, aged about 55 years, Convict no.13787, confined at Central Prison, Coimbatore.

For Petitioner

: Ms.K.Akshaya



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

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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 ordinary leave for 30 days without escort to the detainee Mani @ Velumani, S/o.Kumarasamy Gounder, aged about 55 years, Convict no.13787, confined at Central Prison, Coimbatore, who was convicted for the offences under Section 302 IPC and was sentenced to undergo life imprisonment and fine Rs.10,000/-, in default rigorous imprisonment for 3 months and for the offences under Section 201 IPC and was sentenced to undergo rigorous imprisonment for 3 years and fine Rs.3,000/-, in default rigorous imprisonment for 1 month by the Sessions Judge BBC Court, Coimbatore in S.C.No.35 of 2009 dated 07.07.2010.

2. The learned counsel for the petitioner submitted that the convict prisoner has undergone 14 years 03 months and 20 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 is suffering from medical ailments and for the livelihood of their family.

3. The Probation Officer, in his report, has stated that the reasons assigned



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by the petitioner for grant of leave is true and he has recommended for grant of ordinary leave to the convict prisoner with escort.

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 40 days of ordinary leave.

6. Accordingly, the convict prisoner viz., Mani @ Velumani, S/o.Kumarasamy Gounder, aged about 55 years, Convict no.13787, confined at Central Prison, Coimbatore, is hereby granted ordinary leave for a period of **40 days**, without escort commencing from **06.09.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Mani @ Velumani, S/o.Kumarasamy Gounder, aged about 55 years, Convict no.13787, confined at Central Prison, Coimbatore, on Ordinary Leave for a period of **40 days i.e., from 06.09.2024 to 16.10.2024.**

(ii) The Convict Prisoner shall be released on **06.09.2024** at 10.00 am and surrender before the Superintendent, Coimbatore Central Prison, Coimbatore – 641 018, on



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16.10.2024 at 10.00 a.m.

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(iii) The Convict Prisoner is directed to report before the Inspector of Police, Cheyur Police Station, Tirupur 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.]

28.08.2024

Index: Yes/No

Speaking/Non-speaking order

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To

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Fort St.George, Chennai-600 009
- 2 The Deputy Inspector General Of Prison,
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- 3 The Superintendent,
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Coimbatore -641 018
- 4 The Public Prosecutor,
High Court of Madras.



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