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W.P.No.21525 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.21525 of 2024

Haritha

... Petitioner

Vs.

- 1.The State rep by its
The Home Secretary to Government,
Prison Department, Secretariat, Chennai – 009.
- 2.The Director General of Prison,
No.02, Whannels Road, Egmore, Chennai – 600 008.
- 3.The Superintendent of Prison,
Central Prison at Puzhal-I,
Thiruvallur District – 066.

... 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 30 days Ordinary leave without escort to the Husband of the Petitioner/Convict Prisoner namely Mr.P.V.Reddy S/o. Venkata Reddy who is confining in 3rd respondent in pursuance of the petitioner's representation dated 13.05.2024 and direction of this Court in WP No.14909 of 2024 dated 10.06.2024.

For Petitioner

: Mr..M.Mohamed Saifulla



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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 30 days Ordinary leave without escort to the Husband of the Petitioner/Convict Prisoner namely Mr.P.V.Reddy S/o. Venkata Reddy, aged about 57 years, Convict no.10166, confined at Central Prison at Puzhal-I, Thiruvallur District, who was convicted for the offences under Section 7 of PC Act and was sentenced to undergo rigorous imprisonment for 3 years and fine Rs.1,00,000/-, in default to undergo rigorous imprisonment for 6 months and for the offences under Section 13(2) r/w 13(1) (d) of PC Act 1988 and was sentenced to undergo rigorous imprisonment for 3 years and fine Rs.1,00,000/-, in default rigorous imprisonment for 6 months by the II Additional District Court for CBI Cases, Madurai in C.C.No.02 of 2009 dated 18.12.2014.

2. The learned counsel for the petitioner submitted that the convict prisoner has undergone more than 01 year 02 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 daughter's marriage and arrangements for his wife's medical ailments.



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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 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 21 days of ordinary leave.

6. Accordingly, the convict prisoner viz., P.V.Reddy S/o. Venkata Reddy, aged about 57 years, Convict no.10166, confined at Central Prison at Puzhal-I, Thiruvallur District, is hereby granted ordinary leave for a period of **21 days**, without escort commencing from **06.09.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., P.V.Reddy S/o. Venkata Reddy, aged about 57 years, Convict no.10166, confined at Central Prison at Puzhal-I, Thiruvallur District, on Ordinary Leave for a period of **21 days i.e., from 06.09.2024 to 27.09.2024.**

(ii) The Convict Prisoner shall be released on **06.09.2024** at 10.00 am and surrender before the Superintendent, of Prison,



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Central Prison at Puzhal-I, Thiruvallur, on **27.09.2024** at 10.00 a.m.

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(iii) The Convict Prisoner is directed to report before the Inspector of Police, Dargamitra Police Station, Nellore, Andhra Pradesh twice 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

gd

To

1. The State rep by its

The Home Secretary to Government,



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Prison Department, Secretariat, Chennai – 009.

2. The Director General of Prison,
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3. The Superintendent of Prison,
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- 4 The Public Prosecutor,
High Court of Madras.



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