



W.P.No.20866 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

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Thiyagarajan

... Petitioner

Vs.

1. The State represented by its,
The Home Secretary,
Prison Department, St.George Fort, Chennai.

2.The Deputy Inspector General of Prison,
Coimbatore range, Gandhipuram, Coimbatore 641 018.

3.The Superintendent of Prison,
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 28 days without escort to the petitioner/convict namely Thiyagarajan S/o.Manickam by considering petitioner's wife representation dated 31.05.2024.

For Petitioner : Mr.M.Mohamed Saifulla

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.*)

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This petition has been filed seeking a Writ of Mandamus to direct the respondents to grant ordinary leave for a period of 28 days without escort to the the petitioner/convict, namely, Thiagarajan, S/o.Manickam, aged about 35 years, Convict Prisoner, Convict No.23722 confined at Central Prison, Coimbatore, who was convicted for the offences under Section 9 (m) r/w 10 of POCSO Act and was sentenced to undergo rigorous imprisonment for 5 years and to pay a fine of Rs.15,000/- in default to undergo simple imprisonment for six months.

2. The learned counsel for the petitioner submitted that the convict prisoner has undergone 2 years 3 months and 18 days of imprisonment, including the remand period and that he seeks for ordinary leave for the detainee.

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 21 days of ordinary leave.

6. Accordingly, the convict prisoner viz., namely, Thiagarajan, S/o.Manickam, aged about 35 years, Convict Prisoner, Convict No.23722 confined at Central Prison, Coimbatore, is hereby granted ordinary leave for a period of 21 days, without escort commencing from 03.09.2024 on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., the detenue, namely, Thiagarajan, S/o.Manickam, aged about 35 years, Convict Prisoner, Convict No.23722 confined at Central Prison, Coimbatore, on Ordinary Leave for a period of **21 days i.e., from 03.09.2024 to 23.09.2024.**

(ii) The Convict Prisoner shall be released on 03.09.2024 at 10.00 am and surrender before the Superintendent, Central Prison, Coimbatore, on 23.09.2024 at 05.30 p.m.



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

1. The State represented by its,
The Home Secretary,
Prison Department, St.George Fort, Chennai.

2.The Deputy Inspector General of Prison,
Coimbatore range, Gandhipuram, Coimbatore 641 018.

3.The Superintendent of Prison,
Coimbatore Central Prison, Coimbatore 641 018.

4.The Public Prosecutor,
High Court, Madras.



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