



WEB COPY



W.P.No.22278 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM :

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

W.P.No.22278 of 2024

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... Petitioner

Vs.

1.The Director General of Police/
The Inspector General of Prisons and Correctional service,
Whannels Road,
Egmore, Chennai – 600 008.

2.The Superintendent of Prison,
Trichy Central Prison,
Trichy.

... 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 40 days ordinary leave enabling the petitioner's son Durairaj s/o. Prabhakaran, aged about 45 years, convict prisoner, Central Prison, Trichy.

For Petitioner : Ms.S.Nadhiya

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 40 days without escort for the petitioner's son Durairaj s/o. Prabhakaran, aged about 45 years bearing Convict No.23508, confined at Central Prison, Trichy, who was convicted for the offences under Section 376 (2)(f) IPC and was sentenced to undergo life imprisonment; under Section 302 IPC and was sentenced to undergo life imprisonment; under Section 201 IPC and was sentenced to undergo rigorous imprisonment for 3 years by the Principal Sessions Court, Villupuram in S.C.No.259 of 2010 dated 19.11.2010.

2. The learned counsel for the petitioner submitted that the petitioner's son/convict prisoner has undergone 14 years 8 months and 14 days of imprisonment, including the remand set off period and that he seeks for ordinary leave for the petitioner's son to make arrangements for her medical expenses, as she is suffering from medical ailments and for the livelihood of their family.



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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.

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 28 days of ordinary leave.

6. Accordingly, the convict prisoner viz., Durairaj s/o. Prabhakaran, aged about 45 years bearing Convict No.23508, confined at Central Prison, Trichy, is hereby granted ordinary leave for a period of 28 days, without escort commencing from 20.08.2024 on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Durairaj s/o. Prabhakaran, aged about 45 years, on Ordinary Leave for a period of **28 days i.e., from 20.08.2024 to 16.09.2024.**



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(ii) The Convict Prisoner shall be released on 20.08.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison, Trichy, on 16.09.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, K6 Town Police Station, Chathiram 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.]

13.08.2024

Index: Yes/No

Speaking/Non-speaking order

gd



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Whannels Road,
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 - 2.The Superintendent of Prison,
Trichy Central Prison,
Trichy.
 - 3.The Public Prosecutor,
High Court,
Madras.



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