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W.P.No.22591 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM :

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

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... Petitioner

Vs.

1. The Home Secretary,
Home Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2. Additional Director General of Police and
Inspector General of Prisons,
Whannels Road, Egmore,
Chennai 600 008.

3. The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.

4. The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.

... 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 petitioner's husband/ Convict Prisoner Mr.Suresh, S/o.Mahalingam, now confined in Central Prison



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Cuddalore, for the purpose of “to repair the house of the petitioner and arrange the school fees of the convict children” pursuant to the petitioner's representation dated 11.07.2024.

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

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 a period of 30 days without escort to the petitioner's husband/ Convict Prisoner Mr.Suresh, S/o.Mahalingam, aged about 42 years, bearing Convict No.14822, confined at Central Prison, Cuddalore, who was convicted for the offences under Section 376 (2) (f) IPC and was sentenced to undergo imprisonment for Life; under Section 454 IPC and was sentenced to undergo rigorous imprisonment for 3 years and to pay a fine of Rs.10,000/- in default to undergo rigorous imprisonment for 6 months; under Section 506 (2) IPC rigorous imprisonment for 7 years and to pay a fine of Rs.2,000/- in default rigorous imprisonment for 1 year.

2. The learned counsel for the petitioner submitted that the convict prisoner has undergone 11 years 11 months and 02 days of imprisonment,



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including the remand period and that he seeks for ordinary leave for the detenue.

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 21 days of ordinary leave.

6. Accordingly, the convict prisoner viz., Mr.Suresh, S/o.Mahalingam, aged about 42 years, bearing Convict No.14822, confined at Central Prison, Cuddalore, is hereby granted ordinary leave for a period of 21 days, without escort commencing from 29.08.2024 on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Mr.Suresh, S/o.Mahalingam, aged about 42 years,



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bearing Convict No.14822, on Ordinary Leave for a period of **21 days i.e., from 29.08.2024 to 18.09.2024.**

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(ii) The Convict Prisoner shall be released on 29.08.2024 at 10.00 am and surrender before the Superintendent of Prison, Cuddalore, Cuddalore District, on 18.09.2024 at 05.30 p.m.

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

20.08.2024

Index: Yes/No

Speaking/Non-speaking order

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To
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1. The Home Secretary,
Home Department,
Secretariat, Fort St.George,
Chennai – 600 009.
2. Additional Director General of Police and
Inspector General of Prisons,
Whannels Road, Egmore,
Chennai 600 008.
3. The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.
4. The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.
5. The Public Prosecutor,
High Court, Madras.



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AND
V.SIVAGNANAM, J.

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