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W.P.No.22485 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.22485 of 2024

R.Mala

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Home (Prison) Department,
Secretariat, Chennai – 600 009.

2.The Additional Director General of Police,
(Prisons), Whannels Road,
Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Puzhal Central Prison,
Chennai – 600 066.

... 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 consider the representation dated 08.07.2024 and to grant parole/leave for the convict prisoner Raja mani S/o. Mani bearing LCT no. 6513, lodged at Puzhal Prison Chennai for a period of 2 months.

For Petitioner : Mr.R.Shine Kumar

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 2 months for the petitioner's husband Raja mani S/o. Mani, aged 37, bearing LCT no. 6513, lodged at Puzhal Prison Chennai, who was convicted for the offences under Section 364-A r/w 149 IPC and was sentenced to undergo life imprisonment and fine Rs.1000/-, in default simple imprisonment for 3 months and acquitted from the charges under Sections 147, 323 and 342 IPC by the V Additional Sessions Court, Chennai in S.C.No.135 of 2014 dated 09.12.2016.

2. The learned counsel for the petitioner submitted that the petitioner's husband/convict prisoner has undergone 10 years 03 months and 27 days of imprisonment, including the remand set off period and that he seeks for ordinary leave for the petitioner's husband to make arrangements for her 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 by the petitioner for grant of leave is true and he has recommended for



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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 herein is eligible to avail only 28 days of ordinary leave.

6. Accordingly, the convict prisoner viz., Raja mani S/o. Mani, aged 37, bearing LCT no. 6513, lodged at Puzhal Prison Chennai, 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., Raja mani S/o. Mani, aged 37, bearing LCT no. 6513, lodged at Puzhal Prison Chennai, on Ordinary Leave for a period of **28 days i.e., from 20.08.2024 to 16.09.2024.**

(ii) The Convict Prisoner shall be released on 20.08.2024 at 10.00 am and surrender before the Superintendent of Prison, Puzhal Central Prison, Chennai – 600 066, on 16.09.2024 at 05.30 p.m.



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(iii) The Convict Prisoner is directed to report before the Inspector of Police, E-3 Teynampet 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.

8. Accordingly, the writ petition stands disposed of. No Costs.

[S.M.S., J.]

[V.S.G., J.]

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Index: Yes/No

Speaking/Non-speaking order

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To



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