



WEB COPY



W.P.No.22326 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

W.P.No.22326 of 2024

Ganapathi

... Petitioner

Vs.

1. The State represented by its,
The Deputy Inspector General of Prison,
Vellore Range, Vellore Central Prison ,
Vellore-632 002

2.The Superintendent,
Vellore Central Prison, Vellore-632 002.

3.The Superintendent,
Trichy Central Prison,
(Temporarily Confined)

... 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 of 30 days without escort to the detenue Shanmugam S/o.Ganapathi aged about 40 years ENR No.684 originally detained at Central Prison Vellore and now temporarily confined at Central Prison Trichy.

For Petitioner : Dr.S.Manoharan

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



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ORDER

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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 30 days without escort for the petitioner's son Shanmugam, S/o.Ganapathi, aged about 40 years, ENR No.684, originally detained at Central Prison, Vellore and now temporarily confined at Central Prison, Trichy, who was convicted for the offences under Section 6 (1) of POCSO Act and was sentenced to undergo life imprisonment for the remainder of natural life and to pay a fine of Rs.10,000/- in default to undergo rigorous imprisonment for a period of one month; under Section 506 (i) IPC was sentenced to undergo rigorous imprisonment for 1 year and to pay a fine of Rs.10,000/- in default to undergo simple imprisonment for a period of one month.

2. The learned counsel for the petitioner submitted that the petitioner's son/convict prisoner has undergone 03 years 09 months and 14 days of imprisonment, including the remand period and that he seeks for ordinary leave for the petitioner's son to make arrangements for his medical expenses, as he 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 21 days of ordinary leave.

6. Accordingly, the convict prisoner viz., Shanmugam, S/o.Ganapathi, aged about 40 years, ENR No.684, originally detained at Central Prison, Vellore and now temporarily confined at Central Prison, Trichy, 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., Shanmugam, S/o.Ganapathi, aged about 40 years, 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, Trichy Central Prison, on 18.09.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Karimangalam 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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Vellore-632 002

2.The Superintendent,
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4.The Public Prosecutor,
High Court, Madras.



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