



WEB COPY



W.P.No.22951 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.P.No.22951 of 2024

Radha

... Petitioner

Vs.

- 1.The State Rep. by its
Deputy Inspector General of Prisons,
Coimbatore Range,
Coimbatore.
- 2.The Superintendent of Central Prison,
Special Prison for Women (Conviction)
Coimbatore,
Coimbatore District.
- 3.The Superintendent (i/c)
Central Prison Salem and Controlling Officer
of Special Sub Jail for Women, Salem,
Salem District.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order bearing No.468/thavu 2/2024 dated



W.P.No.22951 of 2024

08.07.2024 passed by the 2nd respondent and quash the same and subsequently directing the respondents to grant 28 days of ordinary leave without escort to petitioner's mother Rani, W/o. Munusamy, convict No.141 confined in Special Sub Jail for Women, Salem.

For Petitioner : Mr.C.Deepak Kumar

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

ORDER

(Order of the Court was delivered by S.M.Subramaniam J.)

This petition has been filed seeking a Writ of Certiorarified Mandamus challenging the impugned order bearing No.468/thavu 2/2024 dated 08.07.2024, passed by the 2nd respondent and quash the same and subsequently direct the respondents to grant 28 days of ordinary leave without escort to the petitioner's mother Rani, W/o. Munusamy, convict No.141, confined in Special Sub Jail for Women, Salem. The convict prisoner is convicted for the offences under Sections 66, 376(1) of IPC and 4(1), 5(1)(c) of the Immoral Traffic (Prevention) Act, 1976 in S.C.No.327 of 2014, on the file of the Mahila Sessions Judge, Salem and sentenced to undergo 10 years of imprisonment.



W.P.No.22951 of 2024

2. The learned counsel for the petitioner submitted that the petitioner's mother/convict prisoner has undergone imprisonment for a period of 4 years 8 months and 27 days and that he seeks ordinary leave for the petitioner's mother to take care and proceed with the medical treatment of her sister/convict prisoner's another daughter, who is mentally unhealthy as the petitioner is not able to take care of her because she lives separately and is married.

3. At this juncture, the learned Additional Public Prosecutor Mr.E.Raj Thilak would submit that the Probation Officer found that the reason stated in the application seeking leave for the convict prisoner is incorrect however, the convict prisoner is otherwise eligible for 21 days ordinary leave and there is no adverse remarks against the convict prisoner during the course of imprisonment.

4. Considering the fact that the convict prisoner is eligible to avail ordinary leave for a period of 21 days this Court is inclined to grant 21 days Ordinary Leave to the convict prisoner.



W.P.No.22951 of 2024

5. Accordingly, the convict prisoner viz., Rani, W/o. Munusamy, convict No.141, confined in Special Sub Jail for Women, Salem, is hereby granted Ordinary Leave without escort for a period of 21 days commencing from **23.08.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Rani, W/o. Munusamy, convict No.141, confined in Special Sub Jail for Women, Salem, on Ordinary Leave without escort for a period of 21 days commencing from **23.08.2024**

(ii) The Convict Prisoner shall be released on 23.08.2024 at 10.00 a.m. and surrender before the Superintendent, Special Sub Jail for Women, Salem, on 13.09.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the jurisdictional Police Station, once in a week at 10.00 a.m. 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.

6. Accordingly, the writ petition stands **disposed of**. No Costs.



WEB COPY



W.P.No.22951 of 2024

(S.M.S.J.,)

(R.S.V.J.,)

19.08.2024

Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)

Note: Issue the order copy on 29.08.2024.

To

- 1.The State Rep. by its
Deputy Inspector General of Prisons,
Coimbatore Range,
Coimbatore.
- 2.The Superintendent of Central Prison
Special Prison for Women (Conviction)
Coimbatore,
Coimbatore District.
- 3.The Superintendent (i/c)
Central Prison Salem and Controlling Officer
of Special Sub Jail for Women, Salem,
Salem District.
- 4.Public Prosecutor,
High Court of Madras.



WEB COPY



W.P.No.22951 of 2024

S.M.SUBRAMANIAM, J.

and

R.SAKTHIVEL, J.

(sha)

W.P.No.22951 of 2024

19.08.2024