



WEB COPY



W.P.No.22764 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.22764 of 2024

Vasantha

... Petitioner

Vs.

1. The State represented by its,
The Deputy Inspector General of Prisons,
Gandhi Irwin Road, Egmore,
Chennai 600 008.

2. The Superintendent,
Puzhal Central Prison – 1,
Puzhal - 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 grant ordinary leave for 30 days without escort to the detinue, Kalidoss S/o.Kuppan aged about 43 years bearing Convict No.8235 confined at Central Prison, Puzhal.

For Petitioner : Ms.S.Sadhana

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



W.P.No.22764 of 2024

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

WEB COPY

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 detainee, Kalidoss S/o.Kuppan, aged about 43 years, bearing Convict No.8235, confined at Central Prison, Puzhal, who was convicted for the offences under Section 4 of POCSO Act 2012 and was sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.25,000/- in default to undergo simple imprisonment for six months.

2. The learned counsel for the petitioner submitted that the convict prisoner has undergone 03 years 09 months and 05 days of imprisonment, including the remand period and that he seeks for ordinary leave for the detainee.

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.



W.P.No.22764 of 2024

WEB COPY

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., Kalidoss, S/o.Kuppan, aged about 43 years, bearing Convict No.8235, confined at Central Prison, Puzhal, 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., Kalidoss, S/o.Kuppan, aged about 43 years, on Ordinary Leave for a period of **21 days i.e., from 29.08.2024 to 18.09.2024.**

(ii) The Convict Prisoner shall be released on 29.08.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison – 1, Puzhal, on 18.09.2024 at 05.30 p.m.



W.P.No.22764 of 2024

WEB COPY

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Olakkur 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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W.P.No.22764 of 2024

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WEB COPY

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High Court, Madras.



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