



WEB COPY



W.P.No.22433 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.22433 of 2024

Gopinath

... Petitioner

Vs.

1. The Deputy Inspector General of Prisons,
Chennai Range, Prison Head Quarters,
Whannels Road, Egmore, Chennai 600 008.

2. The Superintendent of Prison,
Central Prison – 1,
Puzhal, 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 grant ordinary leave for 21 days without escort to the petitioner's father, namely Appan Raj, S/o.E.S.Mani, aged 52 years, Convict Prisoner, Convict No.6880, Central Prison, Puzhal.

For Petitioner

: Ms.S.Nadhiya

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.*)

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 petitioner's father, namely, Appan Raj, S/o.E.S.Mani, aged 52 years, Convict Prisoner, Convict No.6880, Central Prison, Puzhal, who was convicted for the offences under Section 302 r/w 34 IPC and was sentenced to undergo imprisonment for life and to pay a fine of Rs.1,000/- in default to undergo rigorous imprisonment for a period of one year; under Section 8 (c) r/w 20(b)(ii)(B) of NDPS Act and was sentenced to undergo rigorous imprisonment for 5 years and to pay a fine of Rs.50,000/- in default to undergo rigorous imprisonment for a period of six months.

2. The learned counsel for the petitioner submitted that the petitioner's father/convict prisoner has undergone 02 years 07 months and 27 days of imprisonment, including the remand period and that he seeks for ordinary leave for the petitioner's father.



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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., AppanRaj, S/o.E.S.Mani, aged 52 years, Convict Prisoner, Convict No.6880, 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., AppanRaj, S/o.E.S.Mani, aged 52 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, Central Prison – 1, Puzhal, on 18.09.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, C1 Flower Bazar 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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Chennai Range, Prison Head Quarters,
Whannels Road, Egmore, Chennai 600 008.

2. The Superintendent of Prison,
Central Prison – 1,
Puzhal, Chennai 600 066.

3. The Public Prosecutor,
High Court, Madras.



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