



WEB COPY



W.P.No.22813 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.22813 of 2024

S.Shanthi

... Petitioner

Vs.

1. The Director General of Prison,
Office of the Director General of Prison,
Egmore, Chennai – 600 008.

2. The Superintendent of Prison,
Central Prison, Puzhal -I,
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 consider the petitioner's representation dated 26.07.2024 and grant leave for petitioner's husband, detenue namely Srinivasan S/o. Vembu Santhanam (C.T.8648) without police protection for 28 days, within time frame as fixed by this Court.

For Petitioner	: Mr.A.Sivakumar Sivaaji
For Respondents	: Mr.E.Raj Thilak, Additional Public Prosecutor



W.P.No.22813 of 2024

ORDER

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

WEB COPY

This petition has been filed seeking Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 26.07.2024, and grant leave for petitioner's husband, detenue namely Srinivasan S/o. Vembu Santhanam, aged 54 years, CT.No.8648 without police protection, who was convicted for the offence punishable under Section 9(f), (k) and (m) of POCSO Act, on 28.10.2021 in CrI.A.No.358 of 2021 and was sentenced to undergo Rigorous Imprisonment for 5 years and fine of Rs.5,000/- in default to undergo Rigorous Imprisonment for 06 months.

2. The learned counsel for the petitioner submitted that the petitioner's husband/convict prisoner has undergone 02 years 09 months and 09 days of imprisonment, including the remand set off period. The petitioner/the wife of the convict prisoner has submitted an application seeking 28 days ordinary leave for her husband/convict prisoner on the ground that she has to undergo heart surgery. Therefore, to look after her, an application is submitted for Ordinary Leave.



W.P.No.22813 of 2024

3. The learned Additional Public Prosecutor would oppose by stating that the convict prisoner is eligible only for 21 days of ordinary leave.

4. Accordingly, the convict prisoner viz., Srinivasan S/o. Vembu Santhanam, aged 54, bearing C.T.No. 8648, lodged at Central Prison, Puzhal - 1, Chennai, is hereby granted ordinary leave for a period of 21 days, without escort commencing from **22.08.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Srinivasan S/o. Vembu Santhanam, aged 54, bearing C.T.No.8648, lodged at Central Prison, Puzhal - 1, Chennai, on Ordinary Leave for a period of **21 days i.e., from 22.08.2024 to 11.09.2024.**

(ii) The Convict Prisoner shall be released on 22.08.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison, Puzhal -1, Chennai – 600 066, on 11.09.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Judicial Magistrate Court, Ambattur twice in a week i.e., on every Monday and Thursday at 10.30 a.m, during the period of leave.



W.P.No.22813 of 2024

WEB COPY

(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.

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

[S.M.S., J.]

[V.S.G., J.]

16.08.2024

Index: Yes/No

Speaking/Non-speaking order

veda

To

1. The Director General of Prison,
Office of the Director General of Prison,
Egmore, Chennai – 600 008.
2. The Superintendent of Prison,
Central Prison, Puzhal -I,
Puzhal,
Chennai – 600 066.



WEB COPY



W.P.No.22813 of 2024

S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

veda

W.P.No.22813 of 2024

16.08.2024