



WEB COPY



W.P.No.31812 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.31812 of 2024

Megala

... Petitioner/Wife of the
Detenu

Vs.

1. The State represented by its,
The Secretary to Government of Tamil Nadu,
Home Department, (Prison IV),
Fort St.George,
Chennai – 600 009.
2. The Deputy Inspector General of Prison, (DIG)
Coimbatore Range,
Coimbatore – 632 002.
3. The Superintendent,
Coimbatore Central Prison,
Coimbatore – 607 401.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order bearing no.17987/Tha.Ku3/2024, dated 03.10.2024 passed by the 3rd respondent and quash the same and consecutively direct the respondents to grant ordinary leave for 30 days without



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escort to the detenu, Manikandan S/o. Arumugam, aged about 35 years, Convict No.23120, confined at Central Prison, Coimbatore.

For Petitioner : Ms.K.Akshaya
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The order of rejection rejecting the leave application submitted by the petitioner in proceedings dated 03.10.2024 passed by the 3rd respondent is sought to be assailed in the present writ petition.

2. The prisoner was convicted under POCSO Act and he is in actual imprisonment for about two years and he is eligible to avail Ordinary Leave for 21 days.

3. Ms.K.Akshaya, the learned Counsel appearing on behalf of the petitioner would submit that the convict prisoner availed Ordinary Leave for 15 days on earlier occasion, pursuant to the order of this Court dated 05.06.2024 in W.P.No.6361 of 2024.



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4. The learned Additional Public Prosecutor appearing on behalf of the respondents would oppose by stating that the Probation Officer has not recommended the case of the prisoner for grant of Ordinary Leave.

5. Considering the fact that the prisoner already availed 15 days of Ordinary Leave and surrendered before the Jail Authorities, on expiry of such leave, we are inclined to consider the present writ petition.

6. Accordingly, the impugned order passed by the third respondent in proceedings dated 03.10.2024 is hereby quashed and consequently, the convict prisoner viz., Manikandan S/o. Arumugam, aged 35 years, bearing Convict No.23120, confined at Central Prison, Coimbatore is hereby granted Ordinary Leave for 6 days without escort, for which he is eligible under the Rules, which would commence from 13.11.2024, on the following conditions:

i) Respondents are directed to release the convict prisoner viz., Manikandan S/o. Arumugam, aged 35 years, bearing Convict No.23120, confined at Central Prison, Coimbatore on Ordinary Leave for a period of 6 days without escort commencing from 13.11.2024 to 18.11.2024.



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(ii) The Convict Prisoner shall be released on 13.11.2024 at 10.30 A.M. and surrender before the Superintendent, Central Prison, Coimbatore on 18.11.2024 at 05.30 P.M.

(iii) 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 **allowed**. No Costs.

[S.M.S., J.]

[M.J.R., J.]

07.11.2024

Index: Yes/No

Speaking/Non-speaking order

veda

To

1. The Secretary to Government of Tamil Nadu,
Home Department, (Prison IV),
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2. The Deputy Inspector General of Prison, (DIG)
Coimbatore Range,
Coimbatore – 632 002.
3. The Superintendent,
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Coimbatore – 607 401.
4. The Public Prosecutor,



Madras High Court,
Chennai - 600 104.

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