



W.P.No.2315 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.2315 of 2025

Kuchchammal

.. Petitioner

Vs.

The State represented by its,

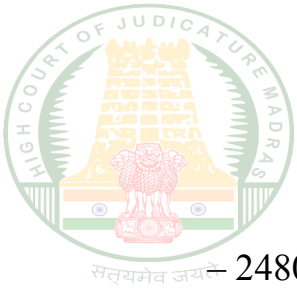
1.The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Coimbatore range,
Coimbatore Central Prison,
Coimbatore – 641 018.

3.The Superintendent,
Central Prison Salem,
Salem – 636 007.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to grant ordinary leave for 28 days without escort to the detinue, Mani, S/o. Vengadeshnan aged about 33 years, convict prisoner, bearing Convict No



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सत्यमेव जयते - 2480, confined at Central Prison, Vellore.

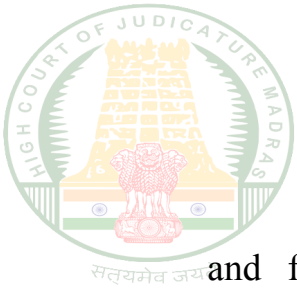
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For petitioner : Mr.M.Ezhilarasu
For RR 1 to 3 : Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted by
Mr.M.Sylvester John

ORDER

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

The petitioner's son is a convict prisoner, who was convicted for the offence under Sections 341, 323, 506(ii), 392 r/w 379, 376(D) of IPC and Section 4 of TNPWH Act and was sentenced imprisonment for life and fine of Rs.5,000/- u/s.376(D) of IPC, he was sentenced to undergo S.I for one month u/s.341 of IPC, he was sentenced to undergo S.I for one year and fine of Rs.500/- for each count u/s.323(2 counts), he was sentenced to undergo R.I for 7 years u/s.506(ii) of IPC, he was sentenced to undergo R.I for 10 years and fine of Rs.5,000/- u/s.392 r/w 397 of IPC, he was sentenced to undergo R.I for 2 years and fine of Rs.10,000/- u/s.4 of TNWH Act, he was sentenced to undergo R.I for 2 years and fine of Rs.5,000/- u/s.354 of IPC, he was sentenced to undergo R.I for 2 years



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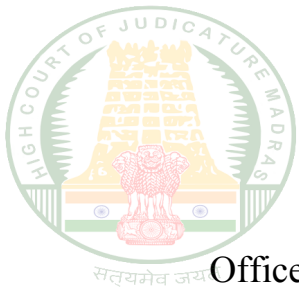
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and fine of Rs.50,000/- u/s.67(A) of Information Technology Act concurrently by the Fast Track Mahila Court, Krishnagiri on 15.10.2015.

2.On the ground that the petitioner requires the presence of her son/convict prisoner for making financial arrangements to pay back the loan amount as well as for making arrangements for her medical needs, she has sought for 28 days ordinary leave for her son. She has given a representation dated 18.10.2024 in this regard and since the same has not been considered till date, she has filed the present Writ Petition.

3.The learned counsel for the petitioner submitted that the convict prisoner has undergone more than 10 years of imprisonment.

4.The learned Additional Public Prosecutor has produced the particulars of the convict prisoner dated 11.02.2025, which states that the convict prisoner is not eligible for grant of ordinary leave under Section 21 of the Tamil Nadu Suspension of Sentence Rules, 1982. Further, the learned Additional Public Prosecutor has also produced a report of the Probation Officer dated 12.02.2025, which states about the present health condition and the financial status of the petitioner and the Probation



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Officer has not recommended for grant of ordinary leave for the convict prisoner.

5.By taking into consideration the period of incarceration undergone by the convict prisoner and the fact that the convict prisoner has not availed any type of leave during the period of incarceration as well as the reasons assigned in the affidavit filed in support of this petition, we are inclined to grant 28 days of ordinary leave to the petitioner's son/convict prisoner, by invoking our powers under Article 226 of the Constitution of India.

6.Accordingly, the respondents are directed to grant 28 days Ordinary Leave “*without escort*” to the petitioner's son/convict prisoner namely Mani @ I.G.Mani, S/o.Venkatesan, aged about 35 years, Convict No.2480, commencing from 22.02.2025 to 21.03.2025, with a condition that the convict prisoner shall report before the jurisdictional Police i.e. Royakottai Police Station, Krishnagiri District, daily at 10.30 a.m. After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on 21.03.2025 before 05.30 p.m. The prisoner shall utilize the leave only for the purpose for which it has been granted and



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shall not indulge in any other activities.

7. With the above directions, the Writ Petition stands allowed. No costs.

(M.S.R., J) (N.S., J)

13.02.2025

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

NOTE : Issue order copy on 21.02.2025.

To

1. The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai – 600 009.

2. The Deputy Inspector General of Prison,
Coimbatore range,
Coimbatore Central Prison,
Coimbatore – 641 018.

M.S.RAMESH, J.

and

N. SENTHILKUMAR, J.

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- 3.The Superintendent,
Central Prison Salem,
Salem – 636 007.
- 4.The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.
- 5.The Public Prosecutor,
High Court, Madras.

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