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W.P.No.2600 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.2600 of 2025

Lily Teresa Simon

... Petitioner

Vs.

1.The Home Secretary,
Home Department (Prison),
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Inspector General of Prisons,
Prison Head Quarters,
Egmore, Chennai – 600 008.

3.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 3rd respondent to grant 28 days ordinary leave without escort, to the petitioner's son Edward Jaya Kumar, S/o.Rubert Jayakumar, Convict No.5585, PID No.33580, who is currently lodged in Central Prison, Puzhal-I, Chennai.



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For Petitioner : Mr.P.M.Basil
For Respondents : 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 herein, is the mother of the life convict. The life convict was convicted for the offences under Section 120(b) of IPC and was sentenced to undergo life imprisonment and a fine of Rs.2000/- i/d. rigorous imprisonment for 3 months; under Section 450 r/w. 34 of IPC, he was sentenced to undergo 10 years rigorous imprisonment and a fine of Rs.2000/- i/d. rigorous imprisonment for 3 months; under Section 382 r/w. 34 of IPC, he was sentenced to undergo 10 years rigorous imprisonment and a fine of Rs.2000/- i/d. rigorous imprisonment for 3 months and under Section 302 r/w. 34 of IPC, he was sentenced to undergo life imprisonment and a fine of Rs.5000/- i/d. rigorous imprisonment for 6 months by the learned I Additional Sessions Judge, City Civil Court, Chennai in S.C.No.155 of 2011 dated 20.06.2014.



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2. The learned counsel for the petitioner submitted that the petitioner is suffering with age related health issues and severe financial constraints and that she requires the presence of her son to arrange financial resources and for taking care of her. The learned counsel would further submit that the life convict has undergone 9 years of imprisonment without availing any leave. He would further submit that the life convict has also given a representation in this regard. Since the same has not been considered till date, the present Writ Petition has been filed by the petitioner seeking ordinary leave for a period of 28 days for her son.

3. The learned Additional Public Prosecutor has produced particulars of the life convict dated 28.01.2025, which states that the life convict is eligible to avail leave. He has also produced the report of the Probation Officer, Delhi, dated 03.01.2025, which states that the reason cited by the life convict in his representation are genuine. However, the learned Additional Public Prosecutor submitted that since the convict prisoner hails from Delhi and his family is also in Delhi, he will have to report before the jurisdictional Police in Delhi.

4. In view of the above facts and circumstances, we are inclined to



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consider the prayer sought for in this Writ Petition.

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5. Accordingly, the respondents herein, are directed to grant 28 days ordinary leave **“without escort”** to the petitioner's son/life convict namely Edward Jaya Kumar, S/o.Rubert Jayakumar, Convict No.5585, PID No.33580, who is currently lodged in Central Prison, Puzhal-I, Chennai, commencing from **18.02.2025 to 17.03.2025**, with a condition that the petitioner's son/life convict prisoner shall report before the jurisdictional Police i.e. C-2 Tilak Marg Police Station, New Delhi, daily at 10.30 A.M. After expiry of the ordinary leave, the life convict shall surrender before the Jail Authority on **18.03.2025 before 10.00 A.M.** The prisoner shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities.

6. With the above direction, the Writ Petition stands allowed. No costs.

7. Post the matter 'for reporting compliance' on 18.03.2025.

[M.S.R, J.]

[N.S, J.]

05.02.2025



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Index: Yes/No
Speaking order/Non-speaking order

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Note: Issue Order Copy on 17.02.2025.

To

1.The Home Secretary,
Home Department (Prison),
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Inspector General of Prisons,
Prison Head Quarters,
Egmore, Chennai – 600 008.

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

4.The Inspector of Police,
C-2 Tilak Nagar Police Station,
New Delhi.

5.The Public Prosecutor,
High Court, Madras.



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M.S.RAMESH, J.
and
N. SENTHILKUMAR, J.

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