



W.P.No.6599 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.6599 of 2025
and W.M.P.No.7261 of 2025

Jothi

... Petitioner

Vs.

The State represented by its,
1.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore Central Prison,
Coimbatore – 641 018.

2.The Superintendent,
Coimbatore Central Prison,
Coimbatore – 641 018.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order bearing order



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No.28021/Tha.ku.3/2024, dated 10.01.2025 passed by the 3rd respondent and quash the same and consecutively direct the respondents to grant ordinary leave for 21 days without escort to the detenu namely Mani @ Manikandan, S/o.Thangaraj, aged about 36 years, Convict No.23259, confined at Central Prison, Salem.

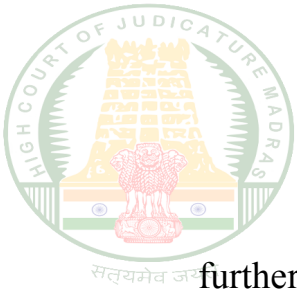
For Petitioner : Dr.S.S.Manoharan
For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

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

The petitioner herein who is the wife of the convict prisoner, is aggrieved against the condition in the leave granted by the jail authority through its proceedings dated 10.01.2025, insofar as it relates to extending escort during the period of leave.

2. The learned counsel for the petitioner submitted that the petitioner requires the presence of her husband/convict prisoner to arrange funds for her medical treatment, as well as their livelihood. The learned counsel



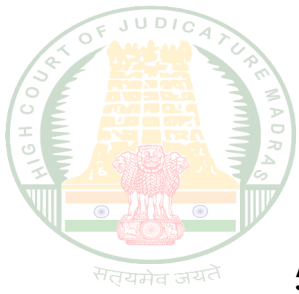
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further submitted that the petitioner does not have enough facilities to accommodate the escort and hence she has sought for an ordinary leave for her husband/convict prisoner without escort.

3. The learned Additional Public Prosecutor has produced the proforma of the convict prisoner dated 27.03.2025, which shows that the convict prisoner has not availed any leave during his 3 years of imprisonment. The learned Additional Public Prosecutor has also produced the reports of the Probation Officer dated 23.11.2024 and 27.03.2025, which shows that the investigation was done and the reasons assigned by the petitioner seeking leave for her husband are true.

4. In view of the fact that the petitioner's husband/convict prisoner has not availed any leave so far and the fact that no reason has been assigned for granting leave 'with escort' in the impugned order, as well as the report of the Probation Officer, we are inclined to modify the condition in the impugned order dated 10.01.2025 from 'leave with escort' to 'leave without escort'.



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5. Accordingly, this Writ Petition stands allowed. Consequently, there shall be a direction to the respondents herein, to grant 21 days ordinary leave **“without escort”** to the petitioner's husband/convict prisoner namely Mani @ Manikandan, S/o.Thangaraj, aged about 36 years, Convict No.23259, now confined at Central Prison, Salem, commencing from **05.04.2025 to 25.04.2025**, with a condition that the convict prisoner shall report before the jurisdictional Police i.e. Annthanapatty Police Station, Salem, **daily at 10.30 A.M.** After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on **25.04.2025** before **05.30 P.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. No costs. Connected miscellaneous petition is closed.

[M.S.R, J.]

[N.S, J.]

28.03.2025

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

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Note: Issue Order Copy on 04.04.2025.



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To

1.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore Central Prison,
Coimbatore – 641 018.

2.The Superintendent,
Coimbatore Central Prison,
Coimbatore – 641 018.

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

4.The Inspector of Police,
Annthanapatty Police Station,
Salem.

5.The Public Prosecutor,
High Court, Madras.



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and
N. SENTHILKUMAR, J.

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