



WEB COPY



W.P.No.12946 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.12946 of 2023

and

W.M.P.No.12731 of 2023

V.Suseela

W/o.Venkatesan

.. Petitioner

Vs.

The State represented by its

1. The Secretary to Government of Tamil Nadu
Home Department
Chennai-600 009.

2. The Deputy Inspector General of Prison
Vellore range
Vellore - 632 002.

3. The Superintendent
Cuddalore Central Prison
Cuddalore - 607 003.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Certiorarified Mandamus to call for the
records pertaining to the impugned order bearing No.4136/Tha.Ku.2/2023

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dated 09.03.2023, passed by the 3rd respondent and quash the same and consequently, direct the respondents to grant ordinary leave for 21 days without escort to the detenu Venkatesan, son of Govinda Padayachi, aged about 58 years life convict No.17001 confined at Central Prison, Cuddalore.

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

ORDER

[Order of the Court was made by M.SUNDAR, J.,]

After some arguments, Dr.S.Manoharan, learned counsel on record for petitioner sought leave to withdraw the captioned writ petition, learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:

Kindly permit me to withdraw
the petition.
- S. Manoharan
2-7/03/2023.



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2. Learned counsel has made a fervent plea to preserve all the rights and contentions of the petitioner to apply for leave again if the convict prisoner completes three years of sentence and learned counsel has made a further plea to preserve rights of the petitioner to apply for emergency leave. Request acceded to.

3. Mr.R.Muniyapparaj, learned State Additional Public Prosecutor, assisted by Mr.M.Sylvester John, learned counsel for all respondents submits that if an application for six days emergency leave is given, the same will be considered on its own merits and in accordance with law. If the convict prisoner or anyone concerned for convict prisoner chooses to give such an application seeking six days emergency leave, the same shall be considered on its own merits and in accordance with law as expeditiously as the business of the respondents would permit.

4 Captioned Writ Petition is disposed of as closed albeit preserving all the rights of the petitioner / convict prisoner in the aforesaid manner with



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the aforesaid observations. Connected miscellaneous petition is closed.

There shall be no order as to costs.

(M.S.,J.)

(M.N.K.,J.)

27.04.2023

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Index : Yes

Speaking

Neutral Citation : Yes

mk

To

1. The Secretary to Government of Tamil Nadu
Home Department
Chennai-600 009.
2. The Deputy Inspector General of Prison
Vellore range
Vellore - 632 002.
3. The Superintendent
Cuddalore Central Prison
Cuddalore - 607 003.
4. The Public Prosecutor
High Court, Madras.

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M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,

mk

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