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W.P.No.32162 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.32162 of 2023

V.Muniyappan

...Petitioner

vs.

The State represented by its,
1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2. The Deputy Inspector General of Prisons,
Vellore Range,
Vellore-2.

3. The Superintendent of Prison,
Central Prison,
Vellore-632 002.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Certiorarified Mandamus, calling for the
records in order dated 19.04.2023 bearing No.7455/tha.ku.3/2023 passed by
respondent no.3 and quashing the same and directing to grant 30 days



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ordinary leave and release the petitioner's son Sivakumar, S/o.Muniyappan aged 43 years, convict prisoner, Central Prison, Vellore.

For Petitioner :: Mrs.Nadhiya

For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor
Assisted by Mr.C.Aravind

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

This writ petition has been filed by the father of the convict prisoner i.e. Sivakumar, S/o.Muniyappan aged 43 years, convict prisoner, Central Prison, Vellore, for grant 30 days ordinary leave to the Convict Prisoner.

2. The Probation Officer has given a report that the reasons given by the petitioner for seeking ordinary leave are not true and that the petitioner himself has given facts which are contrary to his averments in the writ petition before this Court.

3. The learned counsel for the petitioner stated that the petitioner is



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aged 78 years and that he is in need of money to maintain himself.

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4. Even though, the report of the probation officer states that there is no necessity to mobilise funds by selling or mortgaging the immovable property of the petitioner or detenu, the fact that the petitioner is an aged person and he has no independent source of income, is not in dispute. In such circumstances, this Court is inclined to allow this writ petition and permit the petitioner's son / convict prisoner i.e., Sivakumar, S/o.Muniyappan aged 43 years, convict prisoner, Central Prison, Vellore, to avail leave for a period of 21 days without escort, on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Sivakumar, S/o.Muniyappan aged 43 years, convict prisoner, Central Prison, Vellore, on Ordinary Leave for a period of 21 days i.e., from 04.12.2023 to 24.12.2023.

(ii) The Convict Prisoner shall be released on 04.12.2023 at 10.00am and he shall be brought back to the Central Prison, Vellore, on 24.12.2023 at 05.00 p.m.



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(iii) The Convict Prisoner is directed to report before the Karipatti Police Station, Salem, twice a week i.e., on every Monday and Thursday at 05.00pm, during the period of leave.

(iv) 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.

5. With the above directions, the writ petition stands allowed. List the writ petition on 02.01.2024, 'For Reporting Compliance'.

(S.S.S.R.,J.) (S.M.,J.)
29.11.2023

Note to Registry:

1. Issue order copy by 01.12.2023.
 2. Upload the order copy forthwith.
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To

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
2. The Deputy Inspector General of Prisons,
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Vellore-2.
3. The Superintendent of Prison,
Central Prison,
Vellore-632 002.
4. The Public Prosecutor,
High Court, Madras.



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AND

SUNDER MOHAN,J.

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