



WEB COPY



W.P.No.1935 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.1935 of 2024

Ganesan

... Petitioner

Vs.

1. The State represented by its
Deputy Inspector General of Prisons
Head Quarters, Egmore, Chennai 600 008.

2. The Deputy Inspector General of Prison
Coimbatore Range,
Coimbatore.

3. The Superintendent of Central Prison,
Salem, Salem District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorarified Mandamus, to call for the records pertaining to the impugned order bearing No.2630/ThaVu 2/2023 dated 28.04.2023 passed by the 2nd respondent and quash the same and subsequently direct the respondents to grant 28 days of ordinary leave without escort to the petitioner's brother Manikandan, Son of Ayothi, Convict No.8673 confined in Central Prison, Salem.

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

ORDER

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

The petitioner's brother Manikandan, who is a life convict, when sought for grant of ordinary leave, the jail authorities, through orders dated 28.04.2023, had granted 28 days of ordinary leave with escort on certain conditions including a condition to furnish surety bond. Being aggrieved against the portion of the order granting leave, insofar as leave with escort is concerned, is now challenged in the present Writ Petition.

2. According to the learned counsel for the petitioner, the petitioner is a coolie on daily wage basis and his family is in a financial distress condition and they would not be in a position to afford the cost of escort.



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3. Being satisfied with such a reason that has been assigned in the affidavit, we deem it fit that the condition to grant leave with escort can be modified if the life convict is directed to report before the local jurisdictional police daily. Accordingly, the impugned order dated 28.04.2023, insofar as orders for escort to the life convict is modified into grant of ordinary leave without escort, subject to the condition that the life convict, Manikandan, Son of Ayothi, Convict No.8673, reports before the Inspector of Police, Kannakurkhi Police Station, Salem City, daily at 10.30 a.m till the expiry of 28 days of ordinary leave. All the other conditions imposed in the impugned order bearing No.2630/Tha vu 2/2023 dated 28.04.2023 shall remain intact. The Writ Petition stands ordered accordingly. No costs.

[M.S.R., J] [S.M., J]
31.01.2024

bga

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



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To

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1. The State represented by its
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Coimbatore Range,
Coimbatore.
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Copy to:-

The Inspector of Police,
Kannakurkhi Police Station, Salem City



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M.S.RAMESH, J.
and
SUNDER MOHAN, J.

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