



W.P.No.3981 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.3981 of 2024

Perumal

...Petitioner

VS.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Home (Prison) Department,
Fort St.George,
Chennai-600 009.

2.The Additional Director General of Prisons,
Whannels Road,
Egmore,
Chennai-600008.

3.The Superintendent of Prison,
Central Prison Coimbatore,
Coimbatore-641018.

...Respondents



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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 of the third respondent pertaining to the order made in No.8386/Tha.Ku.3/2023, dated 04.01.2024 and quash the same and direct the respondents to grant 40 days leave to the petitioner, Perumal, Son of Muthusamy, aged 60 years who is detained at the Central Prison, Coimbatore, before this Court and set him at liberty.

For Petitioner : Mr.J.Pranklin

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

ORDER

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

This writ petition has been filed to direct the respondents to grant ordinary leave for 40 days, without escort, to the petitioner / detenue viz., Perumal, Son of Muthusamy, aged 60 years, who is detained at the Central Prison, Coimbatore, and to quash the proceedings of the third respondent dated 04.01.2024.



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WEB COPY 2. Heard the learned counsel on either side and perused the documents.

3. On the ground that the petitioner has to make financial arrangements for a kidney transplantation for his son, he has sought for grant of ordinary leave. His request was rejected through the impugned order dated 04.01.2024 on the basis that the petitioner was imposed with penalty for committing an offence on 28.02.2023 and since one year has not lapsed after the punishment was imposed, he is ineligible to claim it.

4. The Probation Officer, in his report dated 28.02.2024 has confirmed that the petitioner's son requires a kidney transplantation and has accordingly recommended for grant of leave.

5. In view of the favourable recommendation of the Probation Officer, we are inclined to invoke our powers under Article 226 of the Constitution of India, thereby granting required leave to the petitioner herein.



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6. At this juncture, learned Additional Public Prosecutor submitted that the petitioner is otherwise eligible to avail 40 days of ordinary leave since has been been in imprisonment for more than 16 years.

7. Accordingly, the convict prisoner viz., Perumal, Son of Muthusamy, aged 60 years who is detained at the Central Prison, Coimbatore is hereby granted ordinary leave for a period of 40 days, without escort commencing from 11.03.2024 on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Perumal, Son of Muthusamy, aged 60 years who is detained at the Central Prison, Coimbatore, on Ordinary Leave for a period of 40 days i.e., from 11.03.2024 to 20.04.2024.

(ii) The Convict Prisoner shall be released on 11.03.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison, Coimbatore, on 20.04.2024 at 05.30 p.m.



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(iii) The Convict Prisoner is directed to report before the Usilampatti Police Station, Madurai District, once a week i.e., on every Monday at 05.00 pm, 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.

8. With the above directions, the proceedings of the third respondent pertaining to the order made in No.8386/Tha.Ku.3/2023, dated 04.01.2024 is quashed and the writ petition stands allowed.

(M.S.R.,J.) (S.M.,J.)
06.03.2024

Note to Registry:

1.Issue order copy by 08.03.2024.

2.Upload the order copy forthwith.

Anu



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M.S.RAMESH, J

and

SUNDER MOHAN, J

Anu

To

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

2.The Additional Director General of Prisons,
Whannels Road,
Egmore,
Chennai-600008.

3.The Superintendent of Prison,
Central Prison Coimbatore,
Coimbatore-641018.

4.The Inspector of Police,
Usilampatti Police Station,
Madurai District.

5. The Public Prosecutor,
High Court, Madras.

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