



W.P.No.4175 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM :

THE HON'BLE MR. JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.4175 of 2024

S.Abinaya

...Petitioner

VS.

The State represented by its,
1.The Secretary to the Government of
Tamil nadu,
Department of Home,
Fort St.George,
Chennai-600 009.

2.The Director Inspector General of Prison,
Vellore Range,
Central Prison Vellore,
Vellore-632 002.

3.The Superintendent,
Central Prison Cuddalore,
Cuddalore-607 004.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India,



W.P.No.4175 of 2024

praying for issuance of a Writ of Mandamus, directing the respondents to grant ordinary leave for 40 days without escort to the detenue, N.Rajasekar, S/o.Navaneetham, aged about 44 years, Convict No.15095, detained at Central Prison, Cuddalore.

For Petitioner : Dr.S.Manoharan
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by C.Aravind

ORDER

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

The prayer in the present writ petition is for grant of ordinary leave for 40 days for the petitioner's father viz., N.Rajasekar, S/o.Navaneetham, aged about 44 years, Convict No.15095, detained at Central Prison, Cuddalore.

2. The learned Additional Public Prosecutor produced the Probation Officer's report dated 04.03.2024, in which it is stated that the reason cited by the petitioner, that the petitioner's presence was required to arrange funds to partition their family property, is true.



W.P.No.4175 of 2024

3. In view of the positive report of the Probation Officer, dated 04.03.2024, and also by taking note of the fact that the Convict Prisoner is eligible for grant of ordinary leave for 28 days, we are inclined to allow the writ petition.

4. Therefore, in exercise of our powers, we permit the petitioner's father / prisoner i.e., N.Rajasekar, S/o.Navaneetham, aged about 44 years, Convict No.15095, to avail Ordinary Leave for a period of 28 days on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., N.Rajasekar, S/o.Navaneetham, aged about 44 years, Convict No.15095, on Ordinary Leave for a period of 28 days i.e., from 11.03.2024 to 08.04.2024.

(ii) The Convict Prisoner shall be released on 11.03.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison Cuddalore, Cuddalore-607 004, on 08.04.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Thalainayar Police Station, Nagapattinam, once a week i.e., on every Monday at 10.30 a.m, during the period of



W.P.No.4175 of 2024

leave.

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(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.

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

Note to Registry:

1.Issue order copy by 07.03.2024.

2.Upload the order copy forthwith.

Anu



W.P.No.4175 of 2024

Copy to:

The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2. The Deputy Inspector General of Prisons,
Coimbatore Range,
Coimbatore-18.

3. The Superintendent of Prison,
Central Prison,
Salem-7.

4. The Inspector of Police,
Thalainayar Police Station,
Nagapattinam

5. The Public Prosecutor,
High Court, Madras.



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W.P.No.4175 of 2024

M.S.RAMESH,J.

AND

SUNDER MOHAN,J.

Anu

W.P.No.4175 of 2024

06.03.2024