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W.P.No.4339 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2024

CORAM :

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

**W.P.No.4339 of 2024**

Vadivel

...Petitioner

vs.

1.The Deputy Inspector General of Prisons,  
Chennai Range,  
Prison and Correctional Service,  
Prison Head Quarters,  
Egmore, Chennai – 600 008.

2.The Superintendent of Prisons,  
Central Prison,  
Salem.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to grant 28 days ordinary leave by considering representation dated 30.01.2024 of the petitioner's brother namely Madheshwaran S/o. Subramani, aged about 43 years, Convict Prisoner, detained in Central



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Prison, Salem.

For Petitioner :: Mrs.S.Nadhiya  
For Respondents :: Mr.E.Raj Thilak  
Additional Public Prosecutor  
Assited 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 28 days ordinary leave by considering the representation dated 30.01.2024 of the petitioner's brother namely Madheshwaran S/o Subramani aged about 43 years, Convict Prisoner bearing Convict No.1058, confined at Central Prison, Salem.

2. Through a report dated 05.03.2024, the Probation Officer has not recommended for grant of leave by stating that the prisoner's wife has re-married and her children are also now living with their grand mother. We are not in agreement with the reasons assigned by the Probation Officer for not recommending the case of the prisoner herein. Admittedly, the prisoner's two children are studying in 10<sup>th</sup> standard and 8<sup>th</sup> standard



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respectively and are in care and custody of their grand- mother.

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3. In the affidavit filed in support of the present writ petition, it is stated that the leave is required for making arrangements for the educational expenses of the prisoner's two children. This aspect has not been addressed by the Probation Officer and hence, we are of the view that the prisoner's case can be considered positively. At this juncture, Mr.E.Raj Thilak, learned Additional Public Prosecutor submitted that the prisoner is otherwise entitled for 28 days of ordinary leave.

4. In the above background and taking into consideration that the leave is sought for making arrangements for the educational expenses of the prisoner's two children, there shall be a direction to the prison authorities to grant ordinary leave to the petitioner's husband/convict prisoner i.e. Madheshwaran S/o.Subramani, aged about 43 years, bearing Convict No.1058 confined at Central Prison, Salem, for a period of days 28 days without escort, on the following conditions.

(i) Respondents are directed to release the Convict



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Prisoner viz., Madheshwaran S/o.Subramani, aged about 43 years, bearing Convict No.1058, confined at Central Prison, Salem, on Ordinary Leave for a period of 28 days i.e., from 11.03.2024 to 07.04.2024.

(ii) The Convict Prisoner shall be released on 11.03.2024 at 10.00 a.m. and surrender before the Superintendent of Prison, Salem Central Prison, on 07.04.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Karungal Palayam Police Station, Erode, twice a week i.e., on every Monday and Thursday at 05.00 p.m., 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.

(M.S.R.,J.)

(S.M.,J.)

07.03.2024

dk

Speaking / Non-Speaking Order

Neutral Citation : Yes / No



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**Note to Registry:**

1. Issue order copy by 08.03.2024.
2. Upload the order copy forthwith.



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Copy to:-

1. The Deputy Inspector General of Prisons,  
Chennai Range,  
Prison and Correctional Service,  
Prison Head Quarters,  
Egmore, Chennai – 600 008.
2. The Superintendent of Prisons,  
Central Prison,  
Salem.
3. The Public Prosecutor,  
High Court, Madras.



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AND

SUNDER MOHAN,J.

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