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W.P.No.6072 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM :

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

W.P.No.6072 of 2024

Muthu Selvam

...Petitioner

VS.

1.The Deputy Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels Road,
Egmore, Chennai – 600 008.

2.The Superintendent of Prisons
Central Prison - I,
Puzhal, Chennai – 600 066.

...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 ordinary leave for 28 days by considering the representation of the petitioner dated 08.02.2024 namely Muthu Selvam S/o.Veerabadhiran aged about 37 years, Convict Prisoner, Convict No.5356, Central Prison, Puzhal.

For Petitioner :: Ms.S.Nadhiya



W.P.No.6072 of 2024

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 respondent to grant ordinary leave for 28 days by considering the representation of the petitioner dated 08.02.2024 namely Muthu Selvam S/o.Veerabadhiran aged about 37 years, Convict Prisoner, Convict No.5356, Central Prison, Puzhal.

2. In the affidavit filed in support of the present writ petition, it is stated that the leave is required for arranging financial assistance for livelihood of the Convict Prisoner's family.

3. Mr.E.Raj Thilak, the learned Additional Public Prosecutor, produced the copy of the Probation Officer's report dated 13.03.2024, wherein he has not recommended for the grant of leave to the Convict Prisoner namely Muthu Selvam S/o.Veerabadhiran, aged about 37 years. He further submitted that the Convict Prisoner has served the



W.P.No.6072 of 2024

sentence for a period of more than ten years, during which period, he had availed emergency leave only and he is eligible for 28 days of ordinary leave.

4. Though the Probation Officer has not recommended for grant of leave to the petitioner/Convict Prisoner, the Probation Officer has only relied upon the objection raised by the concerned jurisdictional police, with regard to their objections and apart from the same, no other reason has been assigned for not recommending the case of the petitioner.

5. We are not inclined to accept such a finding. Even though the concerned police may have raised such objections, there is a duty cast on the Probation Officer to inquire as to what the apprehension is and reflect those reasons in his report. In the absence of the same, the report itself would amount to a non speaking order. At this juncture, it is brought to the notice of this Court that the Convict Prisoner has not availed any leave and has been confinement for more than ten years.

6. In this background, we are inclined to grant ordinary leave to the



W.P.No.6072 of 2024

Convict Prisoner namely Muthu Selvam S/o.Veerabadhiran, aged about 37 years, for a period of 28 days, without escort.

7. Accordingly, we permit the petitioner/Convict Prisoner i.e., Muthu Selvam S/o.Veerabadhiran, aged about 37 years, bearing Convict No.5356, confined at Central Prison, Puzhal, to avail Ordinary Leave for a period of 28 days without escort, on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Muthu Selvam S/o.Veerabadhiran, aged about 37 years bearing Convict No.5356, confined at Central Prison, Puzhal, on Ordinary Leave for a period of 28 days i.e., from 25.03.2024 to 21.04.2024.

(ii) The Convict Prisoner shall be released on 25.03.2024 at 10.00 a.m. and surrender before the Superintendent of Prison, Central Prison Puzhal, on 21.04.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Tiruverkadu Police Station, Thiruvallur District, 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



W.P.No.6072 of 2024

indulge in any other activities.

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8. With the above directions, the writ petition stands allowed.

(M.S.R.,J.) (S.M.,J.)
21.03.2024

dk

Speaking / Non-Speaking Order

Neutral Citation : Yes / No

Note to Registry:

1. Issue order copy by 22.03.2024.
2. Upload the order copy forthwith.

Copy to:-

1. The Deputy Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels Road,
Egmore, Chennai – 600 008.
2. The Superintendent of Prisons
Central Prison - I,
Puzhal, Chennai – 600 066.
3. The Public Prosecutor,
High Court, Madras.



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W.P.No.6072 of 2024

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AND

SUNDER MOHAN,J.

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W.P.No.6072 of 2024

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