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W.P.No.7441 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024

CORAM :

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

W.P.No.7441 of 2024

M.Durgadevi

...Petitioner/Wife of the detenu

VS.

The State represented by its,

1.The Deputy Inspector of General of Prison,
Vellore Range,
Vellore – 632 002.

2.The Superintendent
Cuddalore Central Prison,
Cuddalore – 607 004.

...Respondents

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 pertaining to the vide Impugned Order No.9235/Tha.Ku.2./2024 dated 07.03.2024 issued by the second respondent and quash the same and consequently direct the respondents to grant ordinary leave of 40 days



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without escort to the detenue, Palaniswamy S/o. Rajan, aged about 43 years, CT.No.16133, confined at Central Prison, Cuddalore.

For Petitioner :: Dr.S.Manoharan
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 call for the records pertaining to the vide Impugned Order No.9235/Tha.Ku.2/2024 dated 07.03.2024 issued by the second respondent and quash the same and consequently direct the respondents to grant ordinary leave of 40 days without escort to the detenue, Palaniswamy S/o. Rajan, aged about 43 years, CT.No.16133, confined at Central Prison, Cuddalore.

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



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3. Mr.E.Raj Thilak, the learned Additional Public Prosecutor on instructions, submitted that the Probation Officer has recommended for grant of leave to the Convict Prisoner with escort; that the Convict Prisoner is otherwise eligible for further leave of fifteen (15) days out of the total forty (40) days of leave.

4. Though the Probation Officer has recommended for grant of leave, the condition stated therein is that the leave could be granted with escort. Since no specific reason has been given for suggesting escort, we are inclined to grant 15 days of ordinary leave without escort.

5. Accordingly, we permit the petitioner's husband/Convict Prisoner viz., Palaniswamy S/o. Rajan, aged about 43 years, bearing convict no.16133, confined at Central Prison, Cuddalore, to avail Ordinary Leave for a period of 15 days without escort, on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Palaniswamy S/o.Rajan, aged about 43 years, bearing convict no.16133, confined at Central Prison,



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Cuddalore, on Ordinary Leave for a period of 15 days i.e., from 05.04.2024 to 19.04.2024.

(ii) The Convict Prisoner shall be released on 05.04.2024 at 10.00 a.m. and surrender before the Superintendent of Prison, Central Prison Cuddalore, on 19.04.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Tadagam Police Station, Coimbatore 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 indulge in any other activities.

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

(M.S.R.,J.) (S.M.,J.)
04.04.2024

dk

Speaking / Non-Speaking Order

Neutral Citation : Yes / No

Note to Registry:

1. Issue order copy by 04.04.2024.

2. Upload the order copy forthwith.



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Copy to:-

- 1.The Deputy Inspector of General of Prison,
Vellore Range,
Vellore – 632 002.
- 2.The Superintendent
Cuddalore Central Prison,
Cuddalore – 607 004.
3. The Public Prosecutor,
High Court, Madras.



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