



W.P.No.8778 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM :

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

W.P.No.8778 of 2024

Babu

...Petitioner/brother of the detenu

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 Deputy Inspector General of Prison,
Vellore Range,
Vellore.

3.The Superintendent,
Central Prison Vellore,
Vellore.

...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 30 days without escort to the detenue, Rajesh,



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S/o.Selvam, aged about 36 years, bearing Convict No.3224, confined at Central Prison, Vellore.

For Petitioner : Mr.P.Bakiyaraj

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 30 days for the petitioner's brother viz., Rajesh, S/o.Selvam, aged about 36 years, bearing Convict No.3224, confined at Central Prison, Vellore.

2. The learned Additional Public Prosecutor submitted that the Probation Officer has recommended for grant of ordinary leave to the prisoner and also produced the report of the Probation Officer dated 13.04.2024, in which it is stated that the reason cited by the petitioner, that the prisoner's wife and younger son died in an accident on 11.01.2024 and the presence of the prisoner is required in the death ceremony which is said to be conducted after three months, is true.



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3. In view of the favourable report of the Probation Officer, dated 13.04.2024, and also by taking note of the fact that the Convict Prisoner is eligible for grant of ordinary leave for 21 days, we are inclined to allow the writ petition.

4. Therefore, in exercise of our powers, we permit the petitioner's brother / prisoner i.e., Rajesh, S/o.Selvam, aged about 36 years, bearing Convict No.3224, confined at Central Prison, Vellore, to avail Ordinary Leave for a period of 21 days. Hence, the leave is granted on the following terms.

i) Respondents are directed to release the Convict Prisoner viz., Rajesh, S/o.Selvam, aged about 36 years, bearing Convict No.3224, confined at Central Prison, Vellore, on Ordinary Leave for a period of 21 days i.e., from 18.04.2024 to 08.05.2024.

(ii) The Convict Prisoner shall be released on 18.04.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison, Vellore, on 08.05.2024 at 05.30 p.m.



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(iii) The Convict Prisoner is directed to report before the Inspector of Police, Maharaja Kadai Police Station, Krishnagiri District, twice a week i.e., on every Monday and Thursday 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.

5. The writ petition stands allowed. No costs.

(M.S.R.,J.) (S.M.,J.)
15.04.2024

Note to Registry:

1. Issue order copy by 17.04.2024.
 2. Upload the order copy forthwith.
- Anu



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Copy to:

1.The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai-600 009.

2.The Deputy Inspector General of Prison,
Vellore Range,
Vellore.

3.The Superintendent,
Central Prison Vellore,
Vellore.

4.The Inspector of Police,
Maharaja Kadai Police Station,
Krishnagiri District

5.The Public Prosecutor,
High Court, Madras.



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M.S.RAMESH,J.

AND

SUNDER MOHAN,J.

Anu

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