



W.P.Nos.10132 and 9859 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM:

THE HON'BLE MR. JUSTICE M.S.RAMESH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.Nos.10132 and 9859 of 2024

1.Nithya ...Petitioner in W.P.No.10132 of 2024/
wife of the detenu

2.Chellapangi ...Petitioner in W.P.No.9859 of 2024/
wife of the detenu

vs.

The State represented by its,

1.The Secretary to Government of Tamil Nadu,
Home Department,
(Prison Branch – IV)
Chennai – 600 009.

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

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

...Respondents in both the petitions



W.P.Nos.10132 and 9859 of 2024

Prayer in W.P.No.10132 of 2024 : 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 40 days without escort to the detenu, Marudhupandiyan S/o. Duraisamy aged about 53 years, Convict No.16997 confined at Central Prison, Cuddalore.

Prayer in W.P.No.9859 of 2024 : 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 40 days without escort to the detenu, Duraisamy S/o. Chinnathambi, aged about 70 years, Convict No.17011 confined at Central Prison, Cuddalore.

For Petitioners :: Dr.S.Manoharan
in both W.Ps.

For Respondents :: Mr.E.Raj Thilak
in both W.Ps. Additional Public Prosecutor
Assisted by
Mr.C.Aravind

COMMON ORDER

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

The petitioner in W.P.No.10132 of 2024 is the wife of the detenu/Convict Prisoner viz., Marudhupandiayan S/o.Duraisamy, now confined in Central Prison, Cuddalore. The petitioner in W.P.No.9859 of 2024 is the wife of the detenu/Convict Prisoner viz., Duraisamy S/o. Chinnathambi, now confined at Central Prison, Cuddalore.



W.P.Nos.10132 and 9859 of 2024

2. The Convict Prisoners are son and father respectively.

The marriage of daughter of the Convict prisoner namely Marudhupandiayan S/o.Duraisamy is scheduled on 21.04.2024. Hence, the petitioners herein seek five days of ordinary leave for the Convict Prisoners, who are the father and grand-father of the bride, respectively.

3. The learned Additional Public Prosecutor, on instructions, confirmed the marriage and produced the Probation Officer's report dated 18.04.2024, wherein he recommended ordinary leave with escort.

4. Considering the positive report of the Probation Officer and the reason for which the leave is sought for, we are of the view that the Convict Prisoners may be granted ordinary leave for five days from 20.04.2024 to 24.04.2024 with a **minimum escort** (3 persons) clad in civil clothes.

5. Accordingly, the third respondent herein is directed to forthwith release the convict prisoners namely, (i) Marudhupandiayan S/o.Duraisamy,



W.P.Nos.10132 and 9859 of 2024

(ii) Duraisamy S/o. Chinnathambi, both now confined in Central Prison, Cuddalore, on ordinary leave with escort (three constables) in civil clothes, commencing from 10.00 a.m. on 20.04.2024 till 5.00 p.m., on 24.04.2024. On completion of the leave period, the Convict Prisoners shall be produced before the jail authorities positively at or about 5.00 p.m., on 24.04.2024.

6. With the above directions, the Writ Petitions stand allowed.

(M.S.R.,J.) (S.M.,J.)
18.04.2024

Index : Yes / No
Speaking / Non-Speaking Order
Neutral Citation : Yes / No

Issue order copy today.
Upload the order copy forthwith.
dk



W.P.Nos.10132 and 9859 of 2024

Copy to:

1. The Secretary to Government of Tamil Nadu,

Home Department,

(Prison Branch – IV)

Chennai – 600 009.

2. The Deputy Inspector General of Prison,

Vellore Range,

Vellore – 632 002.

3. The Superintendent,

Cuddalore Central Prison,

Cuddalore – 607 004.



WEB COPY



W.P.Nos.10132 and 9859 of 2024

M.S.RAMESH,J.

AND

SUNDER MOHAN,J.

dk

W.P.Nos.10132 and 9859 of 2024

18.04.2024