



WEB COPY



W.P.No.15055 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM:

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

W.P.No.15055 of 2024

D.Prema

...Petitioner

VS.

1.The Deputy Inspector General of Prisons,
Vellore Range
Vellore 632002

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

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to the respondents to grant 21 days Ordinary leave, without police escorts to the petitioner's brother namely Mr.K.Bala @ Balasubramaniyan S/o.Kuzhandhaivelu aged 47 years, Convict Prisoner, Central Prison, Cuddalore.



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For Petitioner :: Mr.P.Pugalenth
For Respondents :: Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

**M.S.RAMESH,J.
and
SUNDER MOHAN,J.**

This writ petition has been filed to direct the respondents to grant 21 days Ordinary leave without escort to the petitioner's brother namely Mr.K.Bala @ Balasubramaniyan S/o. Mr.K.Bala @ Balasubramaniyan S/o.Kuzhandhaivelu aged 47 years, Convict Prisoner, 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 the prisoner to perform the death ceremony of his mother.

3. Mr.A.Gokulakrishnan, the learned Additional Public Prosecutor produced the copy of the Probation Officer's report dated 10.06.2024,



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wherein, the Probation Officer has recommended for grant of leave to the Convict Prisoner with escort. The learned Additional Public Prosecutor also submitted that prisoner is eligible for 21 days of ordinary 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 21 days of ordinary leave ***without escort***.

5. Accordingly, we permit the petitioner's brother/Convict Prisoner namely Mr.K.Bala @ Balasubramaniyan S/o.Kuzhandhaivelu, aged 47 years Convict No.16608, confined at Central Prison, Cuddalore, to avail Ordinary Leave for a period of 21 days ***without escort***, on the following conditions.

(i) Respondents are directed to release the Convict Prisoner namely Mr.K.Bala @ Balasubramaniyan S/o.Kuzhandhaivelu, aged 47 years, Convict No.16608, confined at Central Prison, Cuddalore, on Ordinary Leave for a period of 21 days i.e., from 08.07.2024 to 28.07.2024.



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(ii) The Convict Prisoner shall be released on 08.07.2024 at 10.00 a.m. and surrender before the Superintendent of Prison, Central Prison, Cuddalore on 28.07.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Chitlapakkam Police Station, Chennai, 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.

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

(M.S.R.,J.)

(S.M.,J.)

02.07.2024

Speaking / Non-Speaking Order

Neutral Citation : Yes / No

dk

Note to Registry:

1. Issue order copy by **05.07.2024.**

2. Upload the order copy forthwith.



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Copy to:-

1. The Deputy Inspector General of Prisons,
Vellore Range
Vellore 632002
2. The Superintendent of Prison,
Central Prison,
Cuddalore – 607 004.
3. The Public Prosecutor,
High Court, Madras.



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