



WEB COPY



W.P.No.15456 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.15456 of 2024

Rajappa

... Petitioner/father of the detenue

Vs.

1.The State of Tamil Nadu rep. by its,
Secretary, Department of Home,
Fort St. George,
Chennai-600 009.

2.The Deputy Inspector General of Prisons,
Vellore Range,
Vellore District.

3.The Superintendent of Prison,
Central Prison Vellore,
Vellore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records in No.E.62462 /Tha.Ku.2/2024 dated 28.05.2024 on the file of the third respondent and quash the same as illegal and direct the respondent to grant 28 days ordinary leave to the detenue Babu, S/o.Rajappa C.T.No.3332 now confined at Central Prison, Vellore.



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For Petitioner : Mr.R.Sankarasubbu
For Respondents : Mr.E. Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

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

This writ petition has been filed to call for the records in No.E.62462 /Tha.Ku.2/2024 dated 28.05.2024 on the file of the third respondent and quash the same and to direct the respondent to grant 28 days ordinary leave to the detenue Babu, S/o.Rajappa C.T.No.3332, who is now confined at Central Prison, Vellore.

2. Heard the learned counsel on either side and perused the documents.

3. The petitioner herein seeks for grant of ordinary leave for his elder son for a period of 28 days, without escort, on the ground that he is suffering from chronic asthma and lung disease and he requires the petitioner's presence to make arrangements for medical expenses.



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4.The Probation Officer, in his report dated 28.04.2024 has not recommended for grant of leave on the ground that this Court vide its order dated 18.02.2022 made in W.P.No.10265 of 2021, had stated that leave shall not be granted without the permission of the Court.

5.The learned Additional Public Prosecutor submitted that the prisoner is otherwise eligible for 28 days of ordinary leave.

6.Although the probation officer did not recommend granting leave, considering the medical ground specifically, that the petitioner is suffering from lung disease and requires the presence of the convict prisoner, we are inclined to grant ordinary leave for a period of 28 days in exercise of our powers under Article 226 of the Constitution of India.

7. Accordingly, the detenue viz., Babu, S/o.Rajappa C.T.No.3332, confined at Central Prison, Vellore, is hereby granted ordinary leave for a period of 28 days, without escort, commencing from 10.00 am on 21.06.2024 to 5 pm of 18.07.2024. On expiry of the ordinary leave, the



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detenu shall surrender before the prison authorities. During the period of leave, the convict prisoner shall report before the Inspector of Police, Dhenkanikottai Police Station, Krishnagiri District twice a week i.e., on every Monday and Thursday at 05.00 p.m. 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.

8. Accordingly, the Writ Petition stands allowed. No costs.

[M.S.R., J] [S.M., J]

14.06.2024

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Anu

Note: Issue Order Copy on 20.06.2024.



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To

1. Secretary, Department of Home,
Fort St. George,
Chennai-600 009.

2. The Deputy Inspector General of Prisons,
Vellore Range,
Vellore District.

3. The Superintendent of Prison,
Central Prison Vellore,
Vellore District.

4. The Inspector of Police,
Dhenkanikottai 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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