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W.P.No.15529 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.15529 of 2024

Dinesh Kumar

...Petitioner

VS.

1.The State rep by its,
The Home Secretary (Prison Department),
St.George Fort, Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Office of Deputy Inspector General of Prison,
Vellore Range, Ramset Nagar, Thorapadi, Vellore – 2.

3.The Superintendent of Prison,
Central Prison at Vellore, Ramset Nagar,
Thorapadi, Vellore – 2.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Mandamus, direct the respondents to grant
30 days Ordinary leave, without escort to the petitioner/ Convict Prisoner



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namely Mr.Dinesh Kumar S/o.Subramanian who is confining in 3rd respondent by considering the petitioner's mother representation dated 29.05.2024.

For Petitioner :: Mr.M.Mohamed Saifulla

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 30 days Ordinary leave without escort to the petitioner/Convict Prisoner namely Mr.Dinesh Kumar S/o.Subramanian, aged about 29 years, Convict Prisoner, confined at Central Prison, Vellore.

2. In the affidavit filed in support of the present writ petition, it is stated that the leave is required for the prisoner to meet out the expenditure of his sister's marriage and also for their livelihood.

3. Mr.A.Gokulakrishnan, the learned Additional Public Prosecutor produced the copy of the Probation Officer's report dated 26.06.2024,



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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/Convict Prisoner namely Mr.Dinesh Kumar S/o.Subramanian aged about 29 years, Convict No.3786, confined at Central Prison, Vellore, to avail Ordinary Leave for a period of 21 days *without escort*, on the following conditions.

(i) The convict shall be released from the prison at 10.00 a.m on 08.07.2024 and he shall return back to the prison at 06.00 p.m. on 28.07.2024.

(ii) During the aforesaid leave period, the convict prisoner shall report before Kumbakonam Taluk Police Station, Kumbakonam District, daily



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at 10.30 a.m.

(iii) 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.

Copy to:-

1. The Home Secretary (Prison Department),
St. George Fort, Chennai – 600 009.

2. The Deputy Inspector General of Prison,



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Office of Deputy Inspector General of Prison,
Vellore Range, Ramset Nagar, Thorapadi, Vellore – 2.

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- 3.The Superintendent of Prison,
Central Prison at Vellore, Ramset Nagar,
Thorapadi, Vellore – 2.
- 4.The Public Prosecutor,
High Court, Madras.



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AND

SUNDER MOHAN,J.

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