



W.P.No.16263 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.16263 of 2024

Subru @ Subramani

... Petitioner

Vs.

1.The State rep by its

The Deputy Inspector General of Prison

Office of Deputy Inspector General of Prison

Vellore Range, Ramset Nagar, Thorapadi, Vellore-2

2.The Superintendent of Prison

Central Prison at Vellore

Ramset Nagar, Thorapadi, Vellore - 2

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to No.17277/tha.ku.3/2024 dated 08.04.2024 passed by the 2nd respondent and quash the same and direct the respondents to grant 28 days ordinary leave without escort to the



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petitioner namely Mr.Subru @ Subramani, S/o.Gopal (CT No.2478) who is confining in 2nd respondent.

For Petitioner : Mr.Mohamed Saifulla

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

M.S.RAMESH, J.

AND

SUNDER MOHAN, J.

The petitioner, who is a life convict, seeking for grant of ordinary leave, has been rejected by the 2nd respondent through the impugned order No.17277/tha.ku.3/2024 dated 08.04.2024, predominately on the ground that the Convict Prisoner was convicted and sentenced under Section 392 r/w 379 IPC which is an ineligible section to grant ordinary leave as per the Tamil Nadu Prison Manual Volume III Rule No.21(b).

2. Strictly speaking, the reasons assigned in the impugned order cannot be found fault with. However before this Court, the petitioner, the convict prisoner has filed an affidavit stating that one portion of his



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house has to be renovated, for which he requires leave to make financial arrangements.

3. We had directed the learned Additional Public Prosecutor to obtain a report from the Probation Officer with regard to the claim made by the petitioner in his affidavit. The Probation Officer in his report has stated that the house of the petitioner is in good condition and that no repair work is required to be done in their house and the reasons assigned by the petitioner in his representation dated 01.04.2024 is not genuine.

4. Since the reasons assigned by the Probation Officer for rejecting the representation of the petitioner is not acceptable. Hence, we are inclined to invoke the powers of this Court under Article 226 of the Constitution of India, for the purpose of directing the respondents to release the petitioner on ordinary leave without escort for a period of 10 days.

5. Accordingly, the impugned order passed by the 2nd respondent in No.17277/tha.ku.3/2024 dated 08.04.2024, is hereby quashed.



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Consequently, the respondents are directed to release the petitioner / convict prisoner viz. Subru @ Subramani, S/o.Gopal, Convict No.2478, confined at Central Prison, Vellore, “***without escort***” for a period of 10 days commencing from 19.07.2024 to 28.07.2024, with a further condition that the convict prisoner shall report daily at 10.30 a.m. before the jurisdictional Police i.e. Rayakottai Police Station, Krishnagiri District, during the period of leave. After expiry of the ordinary leave, the convict prisoner shall surrender before the Jail Authorities on 29.07.2024 before 10.00 a.m. The prisoner shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities.

6. With the above direction, the Writ Petition stands allowed. No costs.

[M.S.R., J]

[S.M., J]

15.07.2024

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Note: Issue Order Copy on 18.07.2024

To



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

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

3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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