



W.M.P.No.17617 of 2024
in W.P.No.2800 of 2024

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

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

This petition has been filed by the Inspector General of Prisons, Vellore Range, Vellore, to recall the order of this Court dated 22.04.2024 passed in W.P.No.2800 of 2024, wherein, this Court had granted ordinary leave to the prisoner viz. Kalimuthu @ Vellai Kali, S/o.Shanmugavel, aged 35 years, Convict No.4506, Convict Prisoner, Central Prison, Vellore, for a period of 15 days with minimum escort, commencing from 25.04.2024 to 09.05.2024, on the ground that the prisoner had raised false grounds for the grant of ordinary leave.

2.The grounds on which the leave was sought for by the prisoner was that his physical presence was required for making financial arrangements for the medical treatment of his mother as well as for admitting his daughter in school. While, the police claim that the medical



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certificate issued by a doctor is false, the same was objected to by the prisoner, claiming that the doctor had indeed issued the certificate. He had also produced an affidavit from the doctor viz. Dr.A.Senguttuvan, M.B.B.S, M.D. AC., Chief Civil Surgeon, wherein, it is stated by the concerned doctor that he had earlier had a clinic in the name of "Anna Clinic" at 2/53, Nethaji Main Road, Meenambalpuram, Madurai-2 and thereafter, he had shifted his clinic to his residence. It is also stated by the doctor that the certificate was issued using his old letter head. Apparently, there was no clinic at the above mentioned address, which has been admitted by the doctor himself.

3.In the light of the affidavit filed by the doctor, it cannot be said that the ground claimed by the prisoner that his mother is treated by the Dr.A.Senguttuvan is false. Likewise, the statement of the police that there is no clinic at the relevant address also cannot be found fault with. It is the submissions of the learned Additional Public Prosecutor that while the prisoner was granted leave with escort, there were several visitors to his house, claiming that they were lawyers, electricians etc. and had



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4.Learned Additional Public Prosecutor also submitted that there is also a threat to the prisoner's life from the rival group and therefore, if so many visitors are permitted, it would not be conducive to protect the life of the prisoner. We are also appraised of the fact that the prisoner was involved in 20 criminal cases which are pending trial.

5.In view of the apprehensions with regard to the threat to the prisoner's life, it would be appropriate that the ordinary leave granted earlier to the petitioner be recalled by granting liberty to him to make a fresh application as and when situation warrants. Incidentally, through an interim order passed in the above writ petition on 30.04.2024, we had suspended our final order dated 22.04.2024, pursuant to which the prisoner was surrendered before the jail authorities.



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6.In the light of the above observations, the final order passed by this Court in W.P.No.2800 of 2024 dated 22.04.2024 is hereby recalled. This petition stands allowed accordingly.

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

26.06.2024

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