



W.P.No.18964 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.18964 of 2024

T.Murugesan

...Petitioner

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



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Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to consider the representation dated 07.06.2024 of the petitioner accordance with law by granting 28 days ordinary leave to the life convict Thimmappa @ Uddari Thimmappa S/o. Junjappa aged about 70 years CT.No.16711, now confined in Central Prison Vellore.

For Petitioner : Mr.R.Sakarasubbu

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 28 days of ordinary leave without escort to the Convict Prisoner viz., Thimmappa @ Uddari Thimmappa S/o. Junjappa aged about 70 years CT.No.16711, now confined in Central Prison Vellore by considering the petitioner's representation dated 07.06.2024.



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

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3. On the grounds that the presence of the Convict Prisoner is required to execute the partition deed between his family members, the petitioner/son of the Convict Prisoner, herein seeks for grant of ordinary leave for a period of 28 days.

4.The Probation Officer, in his report dated 15.07.2024, stated about the good conduct of the prisoner and has accordingly recommended for grant of leave.

5. In view of the favourable recommendation of the Probation Officer, we are inclined to invoke our powers under Article 226 of the Constitution of India, thereby granting required leave to the petitioner herein.

6.At this juncture, learned Additional Public Prosecutor submitted that the petitioner is otherwise eligible to avail 28 days of ordinary leave.



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7. Accordingly, the convict prisoner viz., Thimmappa @ Uddari

Thimmappa S/o. Junjappa aged about 70 years CT.No.16711, now confined in Central Prison Vellore, is hereby granted ordinary leave for a period of 28 days, without escort commencing from 05.08.2024 on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Thimmappa @ Uddari Thimmappa S/o. Junjappa, on Ordinary Leave for a period of 28 days i.e., from 05.08.2024 to 01.09.2024.

(ii) The Convict Prisoner shall be released on 05.08.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison Vellore, Vellore District on 01.09.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Kelamangalam Police Station, Krishnagiri District, daily at 05.00 pm, 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.



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8. Accordingly, the writ petition stands allowed.

(M.S.R.,J.) (S.M.,J.)
01.08.2024

Note to Registry:

- 1.Issue order copy by 02.08.2024.**
- 2.Upload the order copy forthwith.**

dk

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 Public Prosecutor,
High Court, Madras.



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