



W.P.No.18998 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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Larance

... Petitioner

Vs.

The State represented by its.

1.The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Vellore Range,
Vellore – 632 001.

3.The Superintendent,
Central Prison Vellore,
Vellore – 632 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to grant ordinary leave for 45 days without escort to the detenue, Gabriel, S/o. Dhevasagayam aged about 58 years, bearing convict No.3830, confined at Central Prison, Vellore.



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For Petitioner : Mr.M.Ezhilarasu
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

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

This petition has been filed seeking direction to the respondent to grant ordinary leave for 45 days without escort to the detenue, Gabriel, S/o. Dhevasagayam aged about 58 years, bearing convict No.3830, confined at Central Prison, Vellore, who was convicted under Section 302 r/w 34 IPC, sentenced to imprisonment for life by the learned Additional District and Sessions Court, Nagappatinam District in S.C.No.50 of 1989 dated 17.10.1989.

2. The learned counsel for the petitioner would submit that the convict prisoner has undergone 26 years 01 month and 18 days of imprisonment and seeks 45 days ordinary leave for his daughter's betrothal function, which is scheduled to be held on 05.09.2024.

3. The learned Additional Public Prosecutor would submit that the authorities are in the process of considering the application submitted by the petitioner seeking ordinary leave.



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4. Since application has not been considered sofar, we are inclined to grant 3 days of Emergency Leave with minimum escort to the convict prisoner to enable him to attend the betrothal function of his daughter which is scheduled on 05.09.2024.

5. His application for grant of Ordinary leave shall be considered by the respondents, thereafter within a period of three weeks.

5. Accordingly, the convict prisoner viz., Gabriel, S/o. Dhevasagayam aged about 58 years, bearing convict No.3830, confined at Central Prison, Vellore is hereby granted Emergency Leave for a period of 3 days with minimum escort commencing from **03.09.2024** on the following conditions.

(i) Respondent is directed to release the Convict Prisoner viz., Gabriel, S/o. Dhevasagayam aged about 58 years, bearing convict No.3830, confined at Central Prison, Vellore, on Emergency Leave for a period of **3 days** with minimum escort commencing from **03.09.2024**.

(ii) The Convict Prisoner shall be released on **03.09.2024** at 10.00 a.m. and surrender before the Superintendent, Central Prison Vellore, on **06.09.2024** at 10.30 a.m.

(iii) The Convict Prisoner shall utilize the leave only for



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the ground on which it has been granted and shall not indulge in any other activities.

6. Accordingly, the writ petition stands **disposed of**. No Costs.

[S.M.S., J.]

[V.S.G., J.]

30.08.2024

Index: Yes/No

Speaking/Non-speaking order

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To

- 1.The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai – 600 009.
- 2.The Deputy Inspector General of Prison,
Vellore Range,
Vellore – 632 001.
- 3.The Superintendent,
Central Prison Vellore,
Vellore – 632 001.
- 4.The Public Prosecutor,
Madras High Court,
Chennai - 104.



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