



WEB COPY

W.P.No.22223 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.No.22223 of 2024

K.Shanmugam

... Petitioner

Vs.

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

2.The Director General of Prison and
Director General of Police,
Whannels Road, Ansari Estate,
Egmore, Chennai.

3.The Deputy Inspector General of Prison,
Coimbatore Zone,
Coimbatore District.

4.The Superintendent,
Central Prison,
Coimbatore.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for the records made in the impugned order in No.13612/Taku.3/2024 dated 19.07.2024 passed by the 4th respondent, quash the same and direct the respondent to consider the petitioner representation letter dated 16.07.2024.

[Prayer amended as per order dated 18.09.2024 made in WMP.No.30195/2024 in WP.No.22223/2024]

For Petitioner	: Mr.A.Saranraj
For Respondents	: Mr.E.Raj Thilak Additional Public Prosecutor

ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The writ on hand has been instituted to assail the order of rejection of leave application in proceedings dated 19.07.2024.

2. The prisoner is undergoing imprisonment for the past about 7 years. There is no dispute that he is eligible to avail ordinary leave under the rules. However, the leave application submitted was rejected mainly on the ground that four criminal cases are pending against the prisoner.



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3. Perusal of the case details would reveal that all the pending cases are old cases pending for long time. Mere pendency of a criminal case would not be a bar to consider the leave application under the relevant rules.

4. Learned Additional Public Prosecutor appearing on behalf of the respondents would submit that there is no adverse remarks against the convict prisoner inside the prison. There is no findings by the probationer officer also.

5. That being the factum, we are inclined to to permit the petitioner's son / convict prisoner i.e., Rajan S/o. K.Shanmugam bearing CT.No.22404 confined at Central Prison, Coimbatore, to avail Ordinary Leave for a period of fifteen (15) days without escort, on the following conditions:

- (1) The respondents are directed to release the Convict Prisoner viz., Rajan S/o. K.Shanmugam bearing CT.No.22404 confined at Central Prison, Coimbatore, on Ordinary Leave for a period of Fifteen (15) days without escort i.e., from 30.09.2024 to 14.10.2024.
- (2) The Convict Prisoner shall be released on 30.09.2024 at 10.00 A.M. and surrender before the Superintendent of Prisons, Central Prison, Coimbatore, on 14.10.2024 at 05.00 P.M.



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(3) The Convict Prisoner is directed to report before the Inspector of Police, Tirupathur Taluk Police Station, twice in a week i.e., on every Monday and Friday at 05.00 P.M, during the period of leave.

(4) During the leave period, the Convict Prisoner shall abide by all the conditions prescribed in the Jail Manual.

(5) 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, this Writ Petition stands disposed of. No costs.

[S.M.S., J.] [A.D.M.C., J.]
25.09.2024

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order



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To

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- 5.The Public Prosecutor,
High Court, Madras.



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