



WEB COPY



W.P.No.22331 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM :

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

W.P.No.22331 of 2024

Dr.Esther

... Petitioner

Vs.

1.The State rep. by its
The Principal Secretary to Government of Tamil Nadu,
Home Department,
(Prison Branch-IV),
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Chennai Range,
Egmore,
Chennai – 600 008.

3.The Superintendent,
Puzhal-I, Central Prison,
Chennai – 600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the vide Impugned order No. 71680 /Tha.Ku.2/ 2024, dated 06.07.2024, issued by the 2nd respondent and quash the same and consecutively direct the respondents to grant ordinary leave of 40 days without



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escort to the detainee, John David S/o. Dr.T.Marimuthu, aged about 46 years, Life Convict No.4897, confined at Central Prison Puzhal -1 Chennai.

For Petitioner : M/s.K.Akshaya

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

ORDER

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

The Writ Petition has been instituted to call for the records pertaining to the vide Impugned order No. 71680 /Tha.Ku.2/ 2024, dated 06.07.2024, issued by the 2nd respondent and quash the same and consecutively direct the respondents to grant ordinary leave of 40 days without escort to the detainee, John David S/o. Dr.T.Marimuthu, aged about 46 years, Life Convict No.4897, confined at Central Prison Puzhal -1 Chennai.

2.The order passed by the Superintendent of Central Prison I, Puzhal in order No. 71680 /Tha.Ku.2/ 2024, dated 06.07.2024 reveals that the convict prisoner had availed 30 days ordinary leave in December 2023. Since the period of one year had not lapsed, the convict prisoner is not eligible to avail 40 days of ordinary leave as per the application submitted.

3.Since the convict prisoner is not eligible to avail ordinary leave, we are



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not inclined to consider the same. On applying with the eligibility criteria, petitioner is at liberty to submit application.

4. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

[S.M.S., J.]

[V.S.G., J.]

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Index: Yes/No

Speaking/Non-speaking order

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To

1. The State rep. by its

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Chennai – 600 009.

2. The Deputy Inspector General of Prison,

Chennai Range,
Egmore,
Chennai – 600 008.

3. The Superintendent,

Puzhal-I, Central Prison,
Chennai – 600 066.

4. The Public Prosecutor,

High Court,
Madras.



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AND
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