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W.P.No.24032 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.24032 of 2024

Thavuttammal

... Petitioner

Vs.

1. The Inspector General of Prisons,
Chennai.

2. The Superintendent,
Central Prison,
Cuddalore.

3. The Inspector Of Police,
CBCID, Crime Branch,
Villupuram.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for entire records of the 2nd respondent dated 16.07.2024 in no. 10839/T.K.2/2024 and quash the same as illegal and arbitrary and further direct the 2nd respondent to consider the petitioner's representation dated 13.07.2024 and grant parole to the Petitioner's son namely-Ealaiyaraja @ Ambigabathy (Life Convict Prisoner No. 16875) for a period of 1 Week, who is presently confined at 2nd Respondent's prison on the strength of the petitioner's representation dated



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13.07.2024.

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

ORDER

(Order of the Court was delivered by S.M.Subramaniam J.)

This petition has been filed seeking a Writ of Certiorarified Mandamus challenging the Impugned Order of rejection of leave application submitted by the petitioner, passed by the 2nd respondent dated 16.07.2024 in no. 10839/T.K.2/2024 and further direct the 2nd respondent to consider the petitioner's representation dated 13.07.2024 and grant parole to the Petitioner's son namely-Ealaiyaraja @ Ambigabathy (Life Convict Prisoner No. 16875) for a period of 1 Week, who is presently confined at Central Prison Cuddalore. The convict prisoner is convicted for the offences U/s.302 r/w 3, 302 r/w 201, 120(B), 394 of IPC, and was imposed with life imprisonment by the Fast Track Mahila Court, Villupuram, in S.C.No.55 of 2016, dated 28.10.2020.

2. The impugned order of rejection of leave application submitted by



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the petitioner is on the ground that 40 days leave as such sought for, cannot be granted to the convict prisoner on the grounds that Criminal Appeal No.64 of 2021 against him is pending on the file of this Court and also he is not eligible for leave of 40 days. The learned counsel for the petitioner further submitted that the convict prisoner is in prison for about 7 years and seeks leave for performing other rituals of his father's last rites, for changing all official records namely Patta, EB, Bank records, in his name and for obtaining retirement benefits.

3. At this juncture, the learned Additional Public Prosecutor Mr.E.Raj Thilak would submit that he is eligible for 21 days ordinary leave and there is no adverse report existing in the prison against the convict prisoner. However, the Probation Officer raised an objection stating that the rival group is residing adjacent to the house of the convict prisoner.

4. Since both the reasons assigned in the impugned rejection order made by the 2nd respondent are neither candid nor convincing, and also considering the fact that the convict prisoner is in prison for about 7 years and is otherwise eligible for 21 days ordinary leave and there is no adverse report



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against the convict prisoner in the prison, we are inclined to grant ordinary leave of 21 days to the convict prisoner.

5. Accordingly, the impugned order dated 16.07.2024 passed by the 2nd respondent is quashed and the convict prisoner viz., Ealaiyaraja @ Ambigabathy (Life Convict Prisoner No. 16875), confined at Central Prison Cuddalore, is hereby granted ordinary leave for a period of 21 days without escort commencing from **06.09.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Ealaiyaraja @ Ambigabathy (Life Convict Prisoner No. 16875), confined at Central Prison Cuddalore, on Ordinary Leave without escort for a period of 21 days commencing from **06.09.2024**.

(ii) The Convict Prisoner shall be released on 06.09.2024 at 10.00 a.m. and surrender before the Superintendent, Central Prison Cuddalore, on 27.09.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Thiruvennainallur Police Station, Villupuram District, twice in a week at 10.00 a.m. during the period of leave.



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(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.

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

(S.M.S.J.,)

(N.S.J.,)

29.08.2024

Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)

To

1. The Inspector General of Prisons,
Chennai.

2. The Superintendent,
Central Prison, Cuddalore.

3. The Inspector Of Police,
CBCID, Crime Branch,
Villupuram.

4. Public Prosecutor,
High Court of Madras.



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S.M.SUBRAMANIAM, J.

and

N.SENTHILKUMAR, J.

(sha)

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