



WEB COPY

W.P.No.25761 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.25761 of 2024

Aiyanar

... Petitioner

Vs.

1.The Home Secretary,
Home Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.Additional Director General of Police and
Inspector General of Prisons,
Whannels Road, Egmore,
Chennai – 600 008.

3.The Deputy General of Prison,
O/o. Deputy General of Prison,
Vellore Central Prison near,
Vellore.

4.The Superintendent of Prison,
Cuddalore Central Prison,
Cuddalore District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to grant 28 days ordinary leave without escort to petitioner life convict namely Aiyanar S/o. Govindan, CT-14898 now confined in Central Prison - Cuddalore, for the purpose of “to making arrangements of higher treatment of my wife”. In pursuant to petitioner representation dated on 25.06.2024.

For Petitioner : Mr.P.Muthamizh Selvakumar

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

ORDER

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

The Writ of Mandamus has been instituted to direct the respondents to grant ordinary leave for 28 days without escort to the detenu Aiyanar S/o Govindan bearing CT No.14898 confined at Central Prison, Cuddalore.

2. The grievance of the petitioner is that ordinary leave for 28 days was granted to the prisoner with escort by the prison authorities.

3. Mr.P.Muthamizh Selvakumar, learned counsel for the petitioner



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would submit that on previous occasion ordinary leave was granted without escort and the prisoner surrendered on expiry of leave punctually. The prisoner has already undergone imprisonment for about 14 years and there is no adverse remarks against him inside the prison.

4. Since the prisoner during earlier occasion surrendered on expiry of leave and his conduct is also not disputed by the respondents, the leave already sanctioned by the authorities is modified as without escort. Thus, the petitioner is entitled to avail ordinary leave already sanctioned by the prison authorities without escort.

5. Considering the facts and circumstances, we are inclined to permit the petitioner / convict prisoner i.e., Aiyanar S/o. Govindan bearing CT.No.14898 confined at Central Prison, Cuddalore, to avail Ordinary Leave for a period of Twenty Eight (28) days without escort, on the following conditions:

- (1) The respondents are directed to release the Convict Prisoner viz., Aiyanar S/o. Govindan bearing CT.No.14898 confined at Central Prison, Cuddalore, on Ordinary Leave for a period of Twenty Eight (28) days without escort i.e., from 25.09.2024 to 22.10.2024.



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(2) The Convict Prisoner shall be released on 25.09.2024 at 10.00 A.M. and surrender before the Superintendent of Prisons, Central Prison, Cuddalore, on 22.10.2024 at 05.00 P.M.

(3) The Convict Prisoner is directed to report before the Inspector of Police, Elavanasurkottai Police Station, Villupuram once in a week i.e., on every Wednesday 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.] [N.M., J.]
18.09.2024

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



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To

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