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W.P.No.23274 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM :

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

W.P.No.23274 of 2024

Suresh

... Petitioner/detenue

Vs.

1.The Deputy Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels Road,
Egmore, Chennai 600 008.

2.The Superintendent of Prisons,
Central Prison-1,
Puzhal, Chennai 600 066

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondent to grant ordinary leave for 30 days to the petitioner, namely, Suresh, S/o. Prakash, aged about 38 years, convict prisoner, Convict No.5299 confined at Central Prison, Puzhal.

For Petitioner : Mr. S.Nadhiya

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



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ORDER

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

This petition has been filed seeking a Writ of Mandamus to direct the respondents to grant ordinary leave for a period of 30 days for the petitioner, **Suresh, S/o. Prakash, aged about 38 years, convict prisoner, Convict No.5299, confined at Central Prison, Puzhal,** who was convicted for the offence under Section 498A IPC and was sentenced to undergo Rigorous Imprisonment for 02 years and fine of Rs.2,000/- , in default, Simple Imprisonment for 3 months and for the offence under Section 304-B IPC and sentenced to undergo Rigorous Imprisonment for 10 years, by the learned I Additional District and Sessions Judge, Tiruvallur, in S.C.No.86 of 2011 dated 02.11.2020. The above sentences were directed to run concurrently.

2. The learned counsel for the petitioner submitted that the petitioner/convict prisoner has undergone 4 years 04 months and 02 days of imprisonment, including the remand set off period and that he seeks for ordinary leave on the ground that the petitioner has to make necessary arrangements for his parents' medical expenses and to repair the hut.



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WEB COP 3. The Probation Officer, in his report, has stated that the reasons assigned by the petitioner for grant of leave is true and he has recommended for grant of ordinary leave to the convict prisoner.

4. In view of the favourable recommendation of the Probation Officer, we are inclined to invoke our powers under Article 226 of the Constitution of India, thereby granting required leave to the convict prisoner herein.

5. At this juncture, learned Additional Public Prosecutor submitted that the convict prisoner herein is eligible to avail only 21 days of ordinary leave. There is no adverse remark against the convict prisoner.

6. Accordingly, the **convict prisoner viz., Suresh, S/o. Prakash, aged about 38 years, convict prisoner, Convict No.5299 confined at Central Prison, Puzhal, Chennai**, is hereby granted ordinary leave for a period of 21 days, without escort commencing from **30.08.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Suresh, S/o. Prakash, aged about 38 years, convict prisoner, Convict No.5299 confined at Central Prison, Puzhal,



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Chennai, on Ordinary Leave for a period of **21 days i.e., from 30.08.2024 to 19.09.2024.**

(ii) The Convict Prisoner shall be released on 30.08.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison, Puzhal, Chennai, on 19.09.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Thiruninravur Police Station, Thiruvallur District, once in a week at 05.30 pm, during the period of leave.

(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.

7. Accordingly, the writ petition stands disposed of. No Costs.

[S.M.S., J.]

[V.S.G., J.]

22.08.2024

Index: Yes/No

Speaking/Non-speaking order

mrp



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To

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2. The Superintendent of Prisons,
Central Prison-1,
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3. The Public Prosecutor.
High Court, Madras.



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