



WEB COPY



W.P.No.24028 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.24028 of 2024

Sivagami

... Petitioner

Vs.

1. The State Represented By Its
The Secretary To Government Of Tamilnadu,
Department Of Home,
Fort St. George,
Chennai 600009.

2. The Deputy Inspector General Of Prison,
Vellore Zone,
Vellore 632001.

3. The Superintendent,
Vellore Central Prison,
Vellore 632001.

... 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 the records pertaining to the Impugned Order bearing No. 3588/Tha.Ku3/2024, dated 05.07.2024 passed by the 2nd respondent and quash the same and consequently direct the 1st respondent to grant ordinary leave for 30 days without escort to the detenue, Sivaraj, S/o.Muniyappan, aged about 50 years,



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bearing Convict No. 2835, confined at Central Prison, Vellore.

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For Petitioner : Mr.P.Bakiyaraj

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 bearing No. 3588/Tha.Ku3/2024, dated 05.07.2024 passed by the 2nd respondent and quash the same and consequently direct the 1st respondent to grant ordinary leave for 30 days without escort to the detenue, Sivaraj, S/o.Muniyappan, aged about 50 years, bearing Convict No. 2835, confined at Central Prison, Vellore. The convict prisoner is convicted for the offences U/s.376 IPC, sentenced to life imprisonment for (4) count, U/s.66(E) Information Technology Act 2 years imprisonment for (4) count, U/s.67(A) Information Technology Act (4) along with to pay a fine of Rs.1,000/-, and was sentenced to undergo 3 years simple imprisonment by the learned Sessions Judge, Fast Track Magalir Neethimandram Dharmapuri, in S.C.No.109 of 2015, dated 19.02.2021.



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2. The learned counsel for the petitioner submitted that the prisoner has to sell his property by executing an agreement and document by appearing before the Sub-Registrar Office. In the presence of escort, it would be difficult for the prisoner to execute the sale deed and do other related works.

3. At this juncture, the learned Additional Public Prosecutor Mr.E.Raj Thilak would submit that on earlier occasion, the convict prisoner availed 18 days of emergency leave on different spells without any escort. There was no complaint against the convict prisoner while availing leave on previous occasion.

4. This petition has been filed to relax the condition in the order passed by the 2nd respondent granting ordinary leave of 30 days with escort to the convict prisoner. Since there is no serious objection on the part of the respondents, we are inclined to relax the condition of for granting leave without escort.

5. Accordingly, leave granted by the 2nd respondent, for a period of



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30 days to the convict prisoner viz., Sivaraj, S/o.Muniyappan, aged about 50 years, bearing Convict No. 2835, confined at Central Prison, Vellore, stands confirmed but without escort, on the following conditions.

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

(ii) 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)



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To

1. The State Represented By Its
The Secretary To Government Of Tamilnadu,
Department Of Home,
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2. The Deputy Inspector General Of Prison,
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3. The Superintendent,
Vellore Central Prison,
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4. Public Prosecutor,
High Court of Madras.



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S.M.SUBRAMANIAM, J.

and

N.SENTHILKUMAR, J.

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