



WEB COPY



W.P.No.24080 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.24080 of 2024

Selvarani

... Petitioner

Vs.

1. The State Of Tamilnadu,
Rep. By Its Secretary To Government,
Home Department, Secretariat,
Fort St. George, Chennai-600 009.

2. The Deputy Inspector General Of Police,
Trichy Range, Vellore,
Vellore District-632 002.

3. The Superintendent
Cuddalore Central Prison,
Cuddalore -607 003,
Cuddalore District.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for records of the impugned order passed by the 3rd respondent dated 01.07.2024 in No.10102/ Tha.Ku.2/ 2024 and quash the same and



W.P.No.24080 of 2024

consequently direct the respondents to grant ordinary leave for 30 days without escort to Mani son of Ramachandran aged about 70 years Life Convict No.17015 detained at Central Prison, Cuddalore.

For Petitioner : M/s.Swami Subramanian for
Mr.K.Balu

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 impugned order passed by the 3rd respondent dated 01.07.2024 in No.10102/ Tha.Ku.2/ 2024 and quash the same and consequently, direct the respondents to grant ordinary leave for 30 days without escort to Mani, son of Ramachandran, aged about 70 years, Life Convict No.17015, detained at Central Prison, Cuddalore. The convict prisoner is convicted by the Learned Special Judge for Exclusive Trial of SC/ST (Prevention of Atrocities) Act cases, Cuddalore, Cuddalore District in S.C.No.3 of 2019 and sentenced to Life Imprisonment.



W.P.No.24080 of 2024

WEB COPY

2. The impugned order of rejection of leave application submitted by the petitioner is on the ground that SLP, against the convict prisoner, is pending before the Delhi High Court and the convict prisoner has not completed three years of his sentence. The learned counsel for the petitioner further submitted that the convict prisoner is in prison for about 2 ½ years and seeks leave for managing financial stability of the family and also to take proper treatment for himself in private hospital.

3. At this juncture, the learned Additional Public Prosecutor Mr.E.Raj Thilak would submit that the convict prisoner is eligible for 21 days ordinary leave.

4. Since both the reasons assigned in the impugned rejection order made by the 3rd respondent are neither candid nor convincing, and also considering the fact that the convict prisoner is in prison for about 2 ½ years and is otherwise eligible for 21 days ordinary leave, we are inclined to grant ordinary leave of 21 days to the convict prisoner.



W.P.No.24080 of 2024

WEB COPY

5. Accordingly, the impugned rejection order dated 01.07.2024 passed by the 3rd respondent is quashed and the convict prisoner viz., Mani, son of Ramachandran, aged about 70 years, Life Convict No.17015, detained 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., Mani, son of Ramachandran, aged about 70 years, Life Convict No.17015, detained 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 Virudhachalam Police Station, Cuddalore District, once in a week at 10.00 a.m. during the period of leave.

(iv) The Convict Prisoner shall utilize the leave only



W.P.No.24080 of 2024

WEB COPY

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 State Of Tamilnadu,
Rep. By Its Secretary To Government,
Home Department, Secretariat,
Fort St. George, Chennai-600 009.

2. The Deputy Inspector General Of Police,
Trichy Range, Vellore,
Vellore District-632 002.

3. The Superintendent
Cuddalore Central Prison,
Cuddalore -607 003,
Cuddalore District.

4. Public Prosecutor,
High Court of Madras.



WEB COPY



W.P.No.24080 of 2024

S.M.SUBRAMANIAM, J.

and

N.SENTHILKUMAR, J.

(sha)

W.P.No.24080 of 2024

29.08.2024