



WEB COPY

W.P.No.26069 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.26069 of 2024

S.Elumalai

... Petitioner

Vs.

1.The Superintendent of Prison,
Central Prison-I,
Puzhal, Chennai.

2.The Inspector General,
Prison and Correctional Service Department,
Monteith Road, Egmore,
Chennai.

3.The Inspector of Police,
CBI/ACB/Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to quash the order dated 06.09.2024 passed by the 1st respondent and amend the prayer by directing the respondents to permit leave for 45 days without escort to the petitioner.



W.P.No.26069 of 2024

[Prayer amended as per order dated 27.09.2024 in
WMP.No.31560/2024 in WP.No.26069/2024]

For Petitioner : Mr.Prakash Goklaney
For Mr.K.Gopinath

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

ORDER

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

The rejection of leave application issued in proceedings dated 06.09.2024 is sought to be assailed in the present writ petition.

2. The learned counsel for the petitioner would submit that the prisoner was convicted and sentenced to undergo imprisonment for a period of two years. He is in actual imprisonment for about 15 months. Thereafter, the prisoner submitted a leave application, which was rejected by the Prison Authorities. Hence, the present writ petition came to be instituted.

3. Learned Additional Public Prosecutor appearing on behalf of the respondents would submit that the Probation Officer submitted a report,



W.P.No.26069 of 2024

which states that the relationship between the prisoner and his family members are not cordial.

4. However, the wife of the prisoner Mrs.Bhuvana voluntarily appeared before this Court and made a submission that the statement is incorrect and she is in cordial relationship with the prisoner, who is none other than her husband.

5. Since the prisoner has already undergone 15 months of imprisonment out of 2 years period sentenced, we are inclined to quash the rejection order dated 06.09.2024 passed by the 1st respondent and permit the petitioner to avail 21 days Ordinary Leave on the following conditions;

(1)The respondents are directed to release the Convict Prisoner viz., Mr.S.Elumalai, S/o.Sivagnanam, aged about 52 years, Convict Prisoner LT.No.5053, confined at Central Prison, Puzhal, Chennai, on Ordinary Leave for a period of Twenty One (21) days without escort i.e., from 29.10.2024 to 18.11.2024.

(2)The Convict Prisoner shall be released on 29.10.2024 at 10.30 A.M. and surrender before the Superintendent of Prison, Central Prison, Puzhal, Chennai on 18.11.2024 at 05.30 P.M.



W.P.No.26069 of 2024

WEB COPY

(3) The Convict Prisoner is directed to report before the Inspector of Police, H8 Thiruvottiyur Police Station, Chennai, once in a week i.e., on every Monday 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 allowed.

7. List the matter on 20.11.2024, under the caption “For Reporting Compliance”.

[S.M.S., J.] [V.S.G., J.]
23.10.2024

Index : Yes

Neutral Citation : Yes

Speaking order / Non-speaking order

Jeni

Note: Registry is directed to list the matter on 20.11.2024 under the caption “For Reporting Compliance”



W.P.No.26069 of 2024

To

WEB COPY

- 1.The Superintendent of Prison,
Central Prison-I,
Puzhal, Chennai.
- 2.The Inspector General,
Prison and Correctional Service Department,
Monteith Road, Egmore,
Chennai.
- 3.The Inspector of Police,
CBI/ACB/Chennai.
- 4.The Additional Public Prosecutor,
Puducherry,
Madras High Court.



WEB COPY



W.P.No.26069 of 2024

S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

Jeni

W.P.No.26069 of 2024

23.10.2024