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W.P.No.27101 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM :

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

W.P.No.27101 of 2024

A.Haridurga

... Petitioner

Vs.

1.The State represented by
The Secretary to Government,
Department of Home (Prison),
Fort St.George,
Chennai - 600 009.

2.The Additional Director General of Prison/
Inspector General of Police,
Department of Prison,
Thalamuthu Building, CMDA Tower – 2,
Egmore, Chennai 600 008.

3.The Director General of Prison,
Vellore Zonal Prison Department,
Vellore District 632 002.

4.The Superintendent of Prison,
Central Prison,
Cuddalore - 607003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to grant ordinary leave for 20 (twenty) days for the detainee Azhagar @ Valarndha Azhagar, S/o.Dharmaraj aged about 50 years, convict No.16749 detained at



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Central Prison, Cuddalore.

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

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 20 (twenty) days for the detenu, namely, Azhagar @ Valarndha Azhagar, S/o.Dharmaraj, aged about 50 years, convict No.16749, detained at Central Prison, Cuddalore, who was convicted for the offence under Section 341 IPC and was sentenced to undergo simple imprisonment for one month; for the offence under Section 307 IPC and was sentenced to undergo rigorous imprisonment for 10 years; for the offence under Sections 302 & 302 r/w 34 IPC (2 counts) and was sentenced to death for each of the offence (2 counts), by the learned Principal Sessions Judge, Tirunelveli, in S.C.No.62 of 2006 dated 17.04.2008.

2. The learned counsel for the petitioner submitted that the convict prisoner has undergone 19 years and 14 days of imprisonment. He would further submit that a family function is scheduled to be held on 15.09.2024 and the detenu is the grand father of the child. The detenu being the grand father, has to



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attend the function. The petitioner has also enclosed the copy of the invitation along with the typed set of papers filed in support of the petition.

3. The learned Additional Public Prosecutor Mr.E.Raj Thilak has no serious objections for grant of emergency leave for a period of six days.

4. Considering the submissions, this Court is inclined to grant six days Emergency Leave to the convict prisoner. Accordingly, the convict prisoner viz., **Azhagar @ Valarndha Azhagar, S/o.Dharmaraj, aged about 50 years, convict No.16749, confined at Central Prison, Cuddalore**, is hereby granted Emergency Leave without escort for a period of six days commencing from **13.09.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., **Azhagar @ Valarndha Azhagar, S/o.Dharmaraj, aged about 50 years, convict No.16749, confined at Central Prison, Cuddalore**, on Emergency Leave without escort for a period of six days commencing from **13.09.2024**.

(ii) The Convict Prisoner shall be released on 13.09.2024 at 10.00 a.m. and surrender before the Superintendent, Central Prison, Cuddalore on 18.09.2024 at 05.30 p.m.



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(iii)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.

5. Accordingly, the writ petition stands **disposed of**. No Costs. Post the matter on 20.09.2024 for reporting compliance.

[S.M.S., J.]

[V.S.G., J.]

11.09.2024

Index: Yes/No

Speaking/Non-speaking order

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To

1.The State represented by
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Department of Home (Prison),



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4.The Superintendent of Prison,
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5.The Public Prosecutor.
High Court, Madras.



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