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W.P.No.27399 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2024

CORAM :

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.27399 of 2024

Vijayakumar
S/o Mookaiyyathevar .. Petitioner

v.

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

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

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in the order date on 29.08.2024 bearing no.290275/tha.ku.2/2024 passed by respondent no.2 and quashing the same, and directing to grant ordinary leave for the petitioner namely Vijayakumar S/o Mookaiyathevar aged 50 years, Convict Prisoner, Convict No.10421, Central Prison, Puzhal.



WEB COPY



W.P.No.27399 of 2024

For Petitioner :: Ms.S.Nadhiya

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

ORDER

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

The leave application submitted by the petitioner was rejected by the Superintendent of Prisons in proceedings dated 29.08.2024 on the ground that the prisoner was convicted under the NDPS Act and therefore, he is not eligible to avail the benefit of leave. However, the prisoner is undergoing imprisonment for the past about five years and there is no adverse conduct reported against him. The Probation Officer also submitted a report, which would indicate that there is no adverse remark against the prisoner inside the prison for the past about five years.

2. The learned Additional Public Prosecutor would submit that the prisoner is eligible for 21 days ordinary leave.

3. Since the prisoner has not availed any leave on previous occasions, we are inclined to pass the following order:-



WEB COPY



W.P.No.27399 of 2024

- (i) The writ petition stands allowed and the impugned order passed by the 2nd respondent dated 29.08.2024 is set aside.
- (ii) The prisoner, Vijayakumar, S/o Mookaiyathevar, aged 50 years, Convict No.10421, who is confined in Central Prison, Puzhal, Chennai, is granted 21 days ordinary leave without escort.
- (iii) The leave shall commence from 27.09.2024 10.30 a.m., and the prisoner shall surrender before the second respondent by 5.30 p.m., on 17.10.2024.
- (iv) The prisoner shall appear before the Uthamapalayam Police Station on every Monday at 10.30 a.m., during the period of leave.
- Consequently, W.M.P.No.29901 of 2024 stands closed. No costs.

Index : yes

Neutral citation : yes/no

(S.M.S.,J.)

(N.S.,J.)

20.09.2024

ss

To

1. The Deputy Inspector General of Prisons
Chennai Range, Prison Headquarters
Whannels Road, Egmore
Chennai 600 008
2. The Superintendent of Prisons
Central Prison-I, Puzhal
Chennai 600 066



3. The Public Prosecutor
High Court, Madras

WEB COPY



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WEB COPY



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S.M.SUBRAMANIAM,J.

AND

N.SENTHILKUMAR,J.

SS

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