



WEB COPY



W.P.No.28619 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2024

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.SIVAGNANAM

W.P.No.28619 of 2024

A.Kumar .. Petitioner

v.

1. The Deputy Inspector General of Prisons
Vellore Range, Vellore-2

2. The Superintendent of Prisons
Central Prison, Cuddalore-4 .. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records in order No.11951/Tha.Ku2/2024 dated 06.08.2024 passed by respondent No.2, and quash the same and consequently direct the respondents to grant 21 days ordinary leave to the petitioner's father Anandan, S/o Pichaimuthu, aged 58 years, Convict No.17169, Convict Prisoner, Central Prison, Cuddalore.

For Petitioner :: Mr.P.Pugalenth

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



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ORDER

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

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The rejection of leave application issued in proceeding dated 06.08.2024 is sought to be assailed in the present writ proceedings. The leave application filed by the petitioner seeking ordinary leave to the convict prisoner was rejected on the ground that the appeal filed by the prisoner is pending before the High Court.

2. The learned Additional Public Prosecutor furnished the report of the Probation Officer, which would reveal that the reasons stated in the leave application are incorrect. However, there is no adverse conduct noticed by the prison authorities in respect of the prisoner herein inside the prison. Considering the fact that the prisoner herein is in actual imprisonment for about 2 years and 11 months, we are inclined to pass the following order:-

- (i) The writ petition stands allowed and the impugned order passed by the 2nd respondent dated 06.08.2024 is set aside.
- (ii) The prisoner, namely, Anandan, S/o Pichaimuthu, aged 58 years,



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Convict No.17169, who is confined in Central Prison, Cuddalore, is granted 21 days ordinary leave without escort.

(iii) The leave shall commence from 29.10.2024 10.30 A.M., and the prisoner shall surrender before the second respondent by 5.30 P.M., on 18.11.2024.

(iv) The prisoner shall appear before the Muthandikuppam Police Station, Cuddalore District twice a week i.e., on every Monday and Friday at 10.30 A.M., during the period of leave.

Consequently, W.M.P.No.31210 of 2024 stands closed. No costs.

Index : yes

Neutral citation : yes/no

(S.M.S.,J.) (V.S.G.,J.)

23.10.2024

SS

To

1. The Deputy Inspector General of Prisons
Vellore Range, Vellore-2
2. The Superintendent of Prisons
Central Prison, Cuddalore-4
3. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

V.SIVAGNANAM,J.

SS

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