



WEB COPY



W.P.No.30399 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM :

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

W.P.No.30399 of 2024  
and  
W.M.P.No.33065 of 2024

Kalaiyarasi

... Petitioner

*Vs.*

- 1.The Director General of Prison,  
Office of Director General of Prison,  
Whannels Road, Egmore,  
Chennai District – 600 008.
- 2.The Deputy Director General of Prison,  
Office of Director General of Prison,  
Whannels Road, Egmore,  
Chennai District – 600 008.
- 3.The Superintendent of Prison,  
Central Prison, Cuddalore,  
Cuddalore District.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records in proceeding vide No.12893/ Tha.Ku.2/ 2024 dated 28.08.2024 by the 3rd respondent and quash the same and further direct the respondent 1 to 3 to grant ordinary leave 30 days without escort to the life Convict Mr.Balamurugan S/o.Perumal @ Kullavandu (CT.No.16887) now confine in 3rd respondent



W.P.No.30399 of 2024

Prison for the purpose of to arrangements of the studies of convict children and repair the house in pursuant to petitioner representation dated 23.08.2024

For Petitioner : Mr.P.Muthamizh Selvakumar  
For Respondents : Mr.E.Raj Thilak,  
Additional Public Prosecutor

**ORDER**

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

The rejection of the leave application by Superintendent of Prison in proceedings vide No.12893/ Tha.Ku.2/ 2024 dated 28.08.2024 is sought to be assailed in the present writ proceedings.

2. The prisoner is in actual imprisonment for about 4 years. There is no adverse remarks noticed by the prisoner authorities inside the prison. The petitioner seeks to avail ordinary leave for 21 days to make arrangements for the livelihood of his family.

3. The Probation Officer, in his report, has stated that the reasons assigned by the petitioner for grant of leave is true and he has recommended for 21 days of ordinary leave to the convict prisoner.



W.P.No.30399 of 2024

4. In view of the favourable recommendation of the Probation Officer, we are inclined to invoke our powers under Article 226 of the Constitution of India, thereby granting required leave to the convict prisoner herein.

5. At this juncture, learned Additional Public Prosecutor submitted that the convict prisoner herein is eligible to avail only 21 days of ordinary leave.

6. Accordingly, the convict prisoner viz., Mr.Balamurugan S/o.Perumal @ Kullavandu (CT.No.16887) now confined at Central Prison, Cuddalore, is hereby granted ordinary leave for a period of **21 days**, without escort commencing from **25.10.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Mr.Balamurugan S/o.Perumal @ Kullavandu (CT.No.16887) now confined at Central Prison, Cuddalore on Ordinary Leave for a period of **21 days i.e., from 25.10.2024 to 14.11.2024.**

(ii) The Convict Prisoner shall be released on **25.10.2024** at 10.00 am and surrender before the Central Prison, Cuddalore on **14.11.2024** at 10.00 a.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Thiruvannainallur Police Station, Cuddalore district once in a week on Monday at 10.30 a.m., during the



WEB COPY



W.P.No.30399 of 2024

period of leave.

(iv) 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.

7. Accordingly, the writ petition stands allowed. No Costs.

[S.M.S., J.]

[V.S.G., J.]

21.10.2024

Index: Yes/No

Speaking/Non-speaking order

gd

To

1. The Director General of Prison,  
Office of Director General of Prison,  
Whannels Road, Egmore,  
Chennai District – 600 008.
2. The Deputy Director General of Prison,  
Office of Director General of Prison,  
Whanells Road, Egmore,  
Chennai District – 600 008.
3. The Superintendent of Prison,  
Central Prison, Cuddalore,  
Cuddalore District.
4. The Public Prosecutor,  
High Court of Madras.



WEB COPY



W.P.No.30399 of 2024



WEB COPY



W.P.No.30399 of 2024

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

*gd*

W.P.No.30399 of 2024

21.10.2024