



WEB COPY



W.P.No.31563 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM :

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

W.P.No.31563 of 2024

Saranya

... Petitioner

Vs.

1. The Director General of Prison,
O/o. Director General of Prison,
Whanells Road, Egmore,
Chennai District 600 008.
2. The Deputy Director General of Prison,
O/o. Director General of Prison,
Whanells 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 Certiorari Mandamus, to call for the records in proceeding vide no.13138/tha.ku.2/2024 dated 02.09.2024 by the 3rd respondent and quash the same and further directed the respondents 1 to 3 to



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grant ordinary leave 30 days without escort to the life convict Mr.Ranjith S/o. Nagamuthu (CT.No.16994) now confine in 3rd respondent prison, for the purpose of "to construct the house and seen the convict child" in pursuant to the petitioner's representation dated 02.09.2024.

For Petitioner : Mr. P. Muthamizhselvakumar

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 issued by the Superintendent of Prison, Central Prison, Cuddalore, vide its proceedings in no.13138/tha.ku.2/2024 dated 02.09.2024 is sought to be quashed in the present writ petition.

2. The reason furnished in the impugned order of rejection of leave application is that the appeal preferred by the convict prisoner is pending on the file of this Court.



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3. The Probation Officer submitted a report and we find that there is no adverse conduct noticed against the convict prisoner. The convict prisoner is in actual imprisonment for about 3 years and 4 months.

4. Considering the fact that there is no adverse conduct against the convict prisoner, 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. Accordingly, the impugned order dated 02.09.2024 passed by the third respondent in no.13138/tha.ku.2/2024 is quashed and convict prisoner viz., **Mr.Ranjith S/o. Nagamuthu (CT.No.16994) now confined at Central Prison, Cuddalore**, is hereby granted ordinary leave for a period of 21 days, without escort commencing from **31.10.2024** on the following conditions:-

(i) Respondents are directed to release the Convict Prisoner viz., Mr.Ranjith S/o. Nagamuthu (CT.No.16994) now confined at Central Prison, Cuddalore, on Ordinary Leave for a period of **21 days i.e., from 31.10.2024 to 20.11.2024.**

(ii) The Convict Prisoner shall be released on **31.10.2024** at 10.00 am and surrender before the Central Prison, Cuddalore, on **20.11.2024** at 10.00 a.m.

(iii) The Convict Prisoner is directed to report before the



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Inspector of Police, Thiruthurai Police Station, twice in a week, i.e., on Monday and Friday at 10.30a.m., during the 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.

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

[S.M.S., J.]

[V.S.G., J.]

29.10.2024

Index: Yes/No

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Speaking/Non-speaking order

mrp

Note : Issue Order copy today

To

1. The Director General of Prison,
O/o. Director General of Prison,
Whanells Road, Egmore,
Chennai District 600 008.
2. The Deputy Director General of Prison,
O/o. Director General of Prison,
Whanells Road, Egmore,
Chennai District 600 008.
3. The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District



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4. The Public Prosecutor,
High Court of Madras.



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AND
V.SIVAGNANAM, J.

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