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W.P.No.30044 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.30044 of 2024

Maheswari

... Petitioner

***Vs.***

The State represented by its,

1.The Deputy Inspector General of Prison,  
Vellore Range,  
Vellore – 632 002.

2.The Superintendent,  
Cuddalore Central Prison,  
Cuddalore – 607 004.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order bearing No.10688/ Tha.Ku.2/ 2024 dated 15.07.2024 passed by the 2nd respondent and quash the same and consecutively direct the respondents to grant ordinary leave for 40 days without escort to Anbarasan s/o.Raman, aged about 53 years life Convict No.15133 detained at Central Prison, Cuddalore.

For Petitioner : Ms.K.Akshaya

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



W.P.No.30044 of 2024

## **ORDER**

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

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The rejection of the leave application by Superintendent of Prison in proceedings dated 15.07.2024 is sought to be assailed in the present writ proceedings.

2. The prisoner is in actual imprisonment for about 22 years. No doubt, he has availed the benefit of Ordinary leave on several occasions, but surrendered himself before the jail authorities on expiry of such leave period. There is no adverse remarks noticed against the prisoner inside the prison. The prisoner lastly availed the benefit of emergency leave for 3 days in May 2024 and ordinary leave for 30 days from 01.07.2023 to 09.08.2023.

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 grant of ordinary leave to the convict prisoner with escort.

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.



W.P.No.30044 of 2024

WEB COPY

5. At this juncture, learned Additional Public Prosecutor submitted that the convict prisoner herein is eligible to avail only 40 days of ordinary leave.

6. Accordingly, the convict prisoner viz., Anbarasan s/o.Raman, aged about 53 years life Convict No.15133 detained at Central Prison, Cuddalore, is hereby granted ordinary leave for a period of **40 days**, without escort commencing from **25.10.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Anbarasan s/o.Raman, aged about 53 years life Convict No.15133 detained at Central Prison, Cuddalore, on Ordinary Leave for a period of **40 days i.e., from 25.10.2024 to 03.12.2024.**

(ii) The Convict Prisoner shall be released on **25.10.2024** at 10.00 am and surrender before the Superintendent, Cuddalore Central Prison, Cuddalore – 607 004., on **03.12.2024** at 10.00 a.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Karamadai Police Station, Coimbatore District once in a week at 10.30 a.m., during the period of leave.

(iv) The Convict Prisoner shall utilize the leave only for



W.P.No.30044 of 2024

the ground on which it has been granted and shall not indulge in any other activities.

WEB COPY

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 Deputy Inspector General of Prison,  
Vellore Range,  
Vellore – 632 002.

2.The Superintendent,  
Cuddalore Central Prison,  
Cuddalore – 607 004.

3.The Public Prosecutor,  
High Court of Madras.



WEB COPY



W.P.No.30044 of 2024

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

*gd*

W.P.No.30044 of 2024

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