



WEB COPY

W.P.No.29380 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.29380 of 2024

V.Susila

... Petitioner

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The Deputy Inspector General of Prisons
Prisons and Correctional Service,
Vellore Range,
Vellore – 632 002.

3.The Superintendent of Prisons,
Central Prison, Cuddalore – 4.

... 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 No.12395/Tha.Ku 2/2024 dated 19.08.2024 passed by respondent No.3, and quash the same and consequently direct the respondents to grant 30 days ordinary leave to the petitioner's husband Venkatesan S/o Govinda Padayachi, aged 60 years, Convict Prisoner No.17001, now confined in the



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Central Prison, Cuddalore.

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For Petitioner : Mr.P.Pugalenth

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

ORDER

[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

The order of rejection dated 19.08.2024, rejecting the leave application submitted by the petitioner is under challenge in the present writ petition.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The reason for rejection is that the Special Leave Petition (SLP) filed before the Hon'ble Supreme Court of India is pending. Mere pendency of an appeal before the Hon'ble Apex Court would not be a ground to reject a leave application, otherwise the prisoner is eligible under the rules. In the present case, on earlier occasions, the prisoner availed the leave and surrendered himself as per the directions issued by this Court.



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4. Considering the previous conduct of the prisoner and taking note of the fact that he has completed more than 3 years of imprisonment, we are inclined to quash the impugned order dated 19.08.2024 passed by the 3rd respondent and permit the petitioner's husband / convict prisoner to avail Ordinary Leave for a period of Twenty One (21) days without escort, on the following conditions:

- (1) The respondents are directed to release the Convict Prisoner viz., Venkatesan S/o.Govinda Padayachi, aged about 60 years bearing Convict Prisoner No.17001, confined at Central Prison, Cuddalore, on Ordinary Leave for a period of Twenty One (21) days without escort i.e., from 07.10.2024 to 27.10.2024.
- (2) The Convict Prisoner shall be released on 07.10.2024 at 10.00 A.M. and surrender before the Superintendent of Prisons, Central Prison, Cuddalore, on 27.10.2024 at 05.00 P.M.
- (3) The Convict Prisoner is directed to report before the Inspector of Police, Virudhachalam Police Station, Cuddalore District, once in a week i.e., on every Monday at 10.30 A.M, during the period of leave.
- (4) During the leave period, the Convict Prisoner shall abide by all the conditions prescribed in the Jail Manual.



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(5) 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.

5. With the above directions, this Writ Petition stands allowed. No costs.

[S.M.S., J.] [V.S.G., J.]
03.10.2024

Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order

Jeni



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To

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- 4.The Additional Public Prosecutor,
Madras High Court.



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