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W.P.No.29303 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.29303 of 2024

Nagaraj

... Petitioner

Vs.

1. The Deputy Inspector General of Prisons,
Prison Head Quarters,
Egmore,
Chennai.

2. The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai - 600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records passed by the respondent No.2 in the order dated 20.07.2024 bearing and quashing the same and directing the respondents to grant ordinary leave for 21 days for the petitioner namely Nagaraj S/o. Pakkirisamy aged about 39 years, Convict No.9006, Convict Prisoner, Central Prison, Puzhal.

For Petitioner : Mrs.S.Nadhiya

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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Rejection of leave application passed by the second respondent/Superintendent of Prison in proceedings dated 20.07.2024 is sought to be quashed in the present writ petition.

2. The petitioner/Convict prisoner submitted leave application to grant Ordinary Leave. It was rejected mainly on the ground that the prisoner was convicted under NDPS Act. Therefore, the convict prisoner is not eligible to avail Ordinary Leave under the Rules.

3. The learned Additional Public Prosecutor furnished a copy of the Report of the Probation Officer, Division - 1, Egmore dated 18.10.2024, which would reveal that the reasons stated in the leave application is found to be correct. The mother of the petitioner/convict prisoner is seriously ill and there is possibility for improvement, if the prisoner meets his mother.

4. However, an objection has been raised that the family of the prisoner residing at Korukkupet, which is not conducive for grant of leave. In spite of that the Probation Officer recommended the case of the prisoner,



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considering the health condition of his mother with escort.

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5. The learned Counsel for the petitioner would submit that the family of the prisoner is in poverty. Therefore, they cannot meet out the expenditure for escort facilities. However, the learned Counsel for the petitioner would submit that the prisoner will surrender and ready to abide any conditions imposed by this Court.

6. Considering the fact that the mother of the convict prisoner is seriously ill and his presence will be useful for the health benefit of his mother, we are inclined to consider the present writ petition.

7. Accordingly, the impugned order dated 20.07.2024 is hereby quashed and the petitioner/convict prisoner viz., Nagaraj, S/o. Pakkirisamy, aged about 39 years, Convict No.9006 confined at Central Prison, Puzhal, is hereby granted Emergency Leave for 6 days without escort commencing from 25.10.2024 on the following conditions.

i) Respondents are directed to release the petitioner/Convict Prisoner viz., Nagaraj, S/o. Pakkirisamy, aged 39 years, Convict No.9006 confined at Central Prison, Puzhal, Chennai on Emergency Leave without escort for a period of 6 days i.e., from 25.10.2024 to 30.10.2024.



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(ii) The petitioner/Convict Prisoner shall be released on 25.10.2024 at 10.00 a.m. and surrender before the Superintendent, Central Prison, Puzhal on 30.10.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before H4 Korukkupet Police Station everyday at 10.30 a.m in the Morning and 6.00 p.m. in the Evening, 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.

8. Accordingly, the writ petition stands **allowed**. No Costs.

[S.M.S., J.]

[V.S.G., J.]

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Index: Yes/No

Speaking/Non-speaking order

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To

1. The Deputy Inspector General of Prisons,
Prison Head Quarters,
Egmore,
Chennai.
2. The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai - 600 066.
3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.



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