



WEB COPY



W.P.No.29697 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM :

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

W.P.No.29697 of 2024

Thanuja

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Home (Prison IV) Department,
Fort St.George, Chennai- 9.
2. The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai - 8
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 of the 3rd respondent in his proceedings No.13483/Tha Ku.2/2024
dated 05.09.2024 and quash the same and consequently direct the respondents



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to grant 40 days leave to the petitioner's father detinue namely R.Palanisamy,

Life Convict No.16133, detained at Central Prison, Cuddalore without police

escort on the basis of the petitioner's representation dated 31.08.2024.

For Petitioner : Mr. G. Geremaiah
Mr. D. Krishnamoorthy

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 passed by the Superintendent of Prison, Central Prison, Cuddalore, vide proceedings No.13483/Tha.Ku.2/2024 dated 05.09.2024 is sought to be quashed in the present writ petition.

2. The reason for rejection stated in the order impugned is that another case is pending as against the convict prisoner and therefore, the convict prisoner is not eligible to avail the benefit of ordinary leave.

3. The learned Additional Public Prosecutor would submit that the petitioner is in actual imprisonment for about 20 years. He has availed the



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benefit of ordinary leave on several occasions and lastly for 15 days, i.e., from 05.04.2024 to 19.04.2024. However, there is no adverse conduct noticed by the Prison Authorities against the convict prisoner inside the prison.

4. Mr.Geremaiah, learned counsel appearing for the petitioner would submit that the school, in which the children of the convict prisoner are studying, issued notice for non payment of fees and therefore, the prisoner has to arrange for payment of fees to his children.

5. In view of the said reasons, we are inclined to invoke our powers under Article 226 of the Constitution of India, thereby granting required leave to the convict prisoner herein.

7. Accordingly, the impugned order dated 05.09.2024 passed by the third respondent in No.13483/Tha.Ku.2/2024 is quashed and convict prisoner viz., R.Palanisamy S/o.Rajan, Life Convict No.16133, now confined at Central Prison, Cuddalore, is hereby granted ordinary leave for a period of 21 days, without escort commencing from **30.10.2024** on the following conditions:-

(i) Respondents are directed to release the Convict Prisoner viz., R.Palanisamy S/o.Rajan, Life Convict No.16133,



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now confined at Central Prison, Cuddalore on Ordinary Leave for a period of **21 days i.e., from 30.10.2024 to 19.11.2024.**

(ii) The Convict Prisoner shall be released on **30.10.2024** at 10.00 am and surrender before the Central Prison, Cuddalore, on **19.11.2024** at 10.00 a.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Tadagam Police Station, Coimbatore District, 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.

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

[S.M.S., J.]

[V.S.G., J.]

25.10.2024

Index: Yes/No

Speaking/Non-speaking order

mrp

To

1. The Secretary to Government,
Government of Tamil Nadu,
Home (Prison IV) Department,
Fort St.George, Chennai- 9.



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2. The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai - 8
3. The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.
4. The Public Prosecutor,
High Court of Madras.



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