



WEB COPY



W.P.No.30046 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.30046 of 2024
and
W.M.P.No.32744 of 2024

Mareeshwarai

... Petitioner

Vs.

1.The Deputy Inspector General of Prison,
Whannels Road,
Egmore, Chennai – 600 008

2.The Superintendent of Prison,
Central Prison,
Salem.

... 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 in the order date on 30.08.2024 bearing no. 17344 /tha. Ku.3/ 2024 passed by respondent no.2 and quashing the same, and directing the respondent No.2 to grant 21 days ordinary leave by without escort for the petitioner's husband namely Muniyasamy @ Padam Muniyasamy, S/o.Muthu aged about 35 years, Convict no. 9033, Prisoner, central prison, Salem.

For Petitioner : Mrs.S.Nadhiya

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



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ORDER

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

The rejection of the leave application by Superintendent of Prison in proceedings no. 17344 /tha. Ku.3/ 2024 dated 30.8.2024 is sought to be assailed in the present writ proceedings.

2. The prisoner is in actual imprisonment for about 3 years and so far not availed the benefit of any leave under the relevant Rules. Leave application submitted was rejected on the ground that the prisoner was convicted under NDPS Act.

3. However, 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 21 days 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.



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5. At this juncture, learned Additional Public Prosecutor submitted that the convict prisoner herein is eligible to avail only 21 days of ordinary leave.

6. Accordingly, the convict prisoner viz., Muniyasamy @ Padam Muniyasamy, S/o.Muthu aged about 35 years, Convict no. 9033, Prisoner, central prison, Salem, is hereby granted ordinary leave for a period of **21 days**, without escort commencing from **25.10.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Muniyasamy @ Padam Muniyasamy, S/o.Muthu aged about 35 years, Convict no. 9033, Prisoner, central prison, Salem on Ordinary Leave for a period of **21 days i.e., from 25.10.2024 to 14.11.2024.**

(ii) The Convict Prisoner shall be released on **25.10.2024** at 10.00 am and surrender before the Central Prison, Salem, on **14.11.2024** at 10.00 a.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Kadaladi Police Station, Ramanathapuram District twice in a week on Monday and Friday at 10.30 a.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.



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WEB COPY 7. Accordingly, the writ petition stands allowed. No Costs. Consequently, the connected Miscellaneous Petition, if any, is closed.

8. For reporting compliance, post the matter on 18.11.2024.

[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,
Whannels Road,
Egmore, Chennai – 600 008

2. The Superintendent of Prison,
Central Prison,
Salem.

3. The Public Prosecutor,
High Court of Madras.



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