



WEB COPY



W.P.No.29688 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM :

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

W.P.No.29688 of 2024

K.Rama

... Petitioner

Vs.

1.The State represented by its,
The Deputy Inspector General of Prison,
Gandhi Irwin Road, Egmore,
Chennai 600 008.

2.The Superintendent,
Puzhal Central Prison-I,
Puzhal 600 066.

... 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 connected with the impugned order dated 09.08.2024 passed by the second respondent and quash the same directing the respondents to grant ordinary leave for 30 days without escort to the detenue, Kasi Viswanathan S/o. Vengatachalam, aged about 67 years bearing Convict No.2435 confined at Central Prison, Puzhal.



For Petitioner : Ms. S.Sadhana
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 seeking ordinary leave is under challenge in the writ petition.

2. The prisoner is in actual imprisonment for about 5 years and 11 months.

3. However the learned Additional Public Prosecutor would submit that the prisoner recently availed emergency leave.

4. However, the Probation Officer, has recommended for grant of ordinary leave to the convict prisoner since no adverse conduct noticed inside the prison .

5. 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.

6. Accordingly, the impugned order dated 09.08.2024 passed by the second respondent is quashed and convict prisoner viz., Kasi Viswanathan S/o. Vengatachalam (CT.No.2435) now confined at Central Prison, Puzhal, is hereby



W.P.No.29688 of 2024

granted ordinary leave for a period of 21 days, without escort commencing from

29.10.2024 on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Kasi Viswanathan S/o. Vengatachalam (CT.No.2435) now confined at Central Prison, Puzhal on Ordinary Leave for a period of **21 days i.e., from 29.10.2024 to 18.11.2024.**

(ii) The Convict Prisoner shall be released on **29.10.2024** at 10.00 am and surrender before the Central Prison, Puzhal, on **18.11.2024** at 10.00 a.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, R7, K.K.Nagar Police Station, Chennai 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.

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

[S.M.S., J.]

[V.S.G., J.]

23.10.2024

Index: Yes/No

1/2

Speaking/Non-speaking order

mrp



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W.P.No.29688 of 2024

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

mrp

To

- 1.The State represented by its,
The Deputy Inspector General of Prison,
Gandhi Irwin Road, Egmore,
Chennai 600 008.
- 2.The Superintendent,
Puzhal Central Prison-I,
Puzhal 600 066.
- 3.The Public Prosecutor,
High Court of Madras.

W.P.No.29688 of 2024

1/2

23.10.2024