



WEB COPY



W.P.No.30377 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.30377 of 2024

R.Sundari

... Petitioner

Vs.

The State represented by its,

1.The Secretary to Government of Tamil Nadu,
Home Department,
Fort St.George,
Chennai – 600 094.

2.The Deputy Inspector General of Prison,
Vellore Range,
Vellore – 632 002.

3.The Superintendent,
Central Prison,
Cuddalore – 607 004.

... 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 pertaining to the vide impugned order No.13389/Tha.Ku2/2024, dated 04.09.2024, issued by the 3rd respondent and quash the same and consecutively direct the respondents to grant ordinary leave of 30 days without escort to the detainee, Ramadoss, s/o.Kaliyaperumal, aged 54 years, confined at Central Prison, Cuddalore.



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For Petitioner : Ms.K.Akshaya
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 by Superintendent of Prison in proceedings No.13389/Tha.Ku2/2024, dated 04.09.2024 is sought to be assailed in the present writ proceedings.

2. The prisoner is in actual imprisonment for about 3 years. There is no adverse remarks noticed by the prisoner authorities inside the prison. Co-accused was also granted ordinary leave for 21 days.

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.

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., Ramadoss, s/o.Kaliyaperumal, aged 54 years, confined at Central Prison, Cuddalore, 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., Ramadoss, s/o.Kaliyaperumal, aged 54 years, confined at Central Prison, Cuddalore 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, Cuddalore – 607 004 on **14.11.2024** at 10.00 a.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Virudhuchalam Police Station, Cuddalore district once in a week on Monday 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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[S.M.S., J.]

[V.S.G., J.]

21.10.2024

Index: Yes/No

Speaking/Non-speaking order

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To

1. The Secretary to Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai – 600 094.

2. The Deputy Inspector General of Prison,
Vellore Range,
Vellore – 632 002.

3. The Superintendent,
Central Prison,
Cuddalore – 607 004.

4. The Public Prosecutor,
High Court of Madras.



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