



WEB COPY



W.P.No.29791 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.29791 of 2024

Sivapriya

... 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 26.07.2024 passed by the second respondent and quash the same directing the respondents to grant ordinary leave for 30 days without escort to the detenue, Perumal S/o. Chithiraipandi, aged about 67 years bearing Convict No.10059 confined at Central Prison, Puzhal.

For Petitioner : Ms. S.Sadhana

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



W.P.No.29791 of 2024

WEB COPY

ORDER

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

The rejection of the leave application issued by the Superintendent, Central Prison, Puzhal, Chennai, vide proceedings dated 26.07.2024 is under challenge in the present writ proceedings.

2. The prisoner is in actual imprisonment for more than 3 years including the remand period. The prison authorities rejected the leave application on the ground that he has not completed 3 years imprisonment.

4. There is no adverse conduct noticed inside the prison and the Probation Officer, has also recommended for grant of ordinary leave to the convict prisoner and the reason stated in the application is also found to be correct.

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

7. Accordingly, the impugned order dated 26.07.2024 passed by the second respondent is quashed and the convict prisoner viz., Perumal S/o.



W.P.No.29791 of 2024

Chithiraipandi (CT.No.10059) now confined at Central Prison, Puzhal, is

hereby 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., Perumal S/o. Chithiraipandi (CT.No.10059) 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, K6, T.P.Chathiram Police Station, Chennai district everyday 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.

8. 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



WEB COPY



W.P.No.29791 of 2024

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

mrp

To

1.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.29791 of 2024

1/2

23.10.2024