



WEB COPY



W.P.No.30433 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.30433 of 2024
and
W.M.P.No.33089 of 2024

Suresh

... Petitioner

Vs.

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

2.The Superintendent of Prisons,
Central Prison – 1,
Puzhal, Chennai – 600 066.

... 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 no.CP- PU1/ 2418/ 2024-R2 dated 24.09.2024 passed by the 2nd respondent and quashing the same and directing the respondents to grant 15 days leave for the petitioner namely Suresh S/o.Ravi aged about 43 years, Convict Prisoner , Convict No. 10505, Central Prison, Puzhal.

For Petitioner : Ms.S.Nadhiya

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



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ORDER

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

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The Writ Petition on hand has been calling for the records in the Order no.CP- PU1/ 2418/ 2024-R2 dated 24.09.2024 passed by the 2nd respondent and quashing the same and directing the respondents to grant 15 days leave for the petitioner namely Suresh S/o.Ravi aged about 43 years, Convict Prisoner , Convict No. 10505, Central Prison, Puzhal.

2. The reason stipulated in the impugned order of rejection of leave application reveals that the prisoner has not completed 3 years of imprisonment and therefore, he is not eligible to avail the benefit of leave under Rules.

3. The learned counsel for the petitioner would submit that the prisoner is in actual imprisonment for about 1 year 9 months and therefore, the prisoner is eligible to avail emergency leave. The Probation Order submitted a report which would reveal that the mother of the prisoner is well and working in a company. However, the learned counsel for the petitioner would submit that the mother of the prisoner could be in an apprehension that the prisoner will be brought to home with escorts.



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4. We are of the opinion that the prisoner wants emergency leave to attend his mother. Therefore, we are inclined to consider the emergency leave for 6 days from 25.10.2024 to 30.10.2024 at 05.30 p.m.

5. Accordingly, the convict prisoner viz., Suresh S/o.Ravi aged about 43 years, Convict Prisoner , Convict No. 10505, Central Prison, Puzhal, is hereby granted emergency leave for a period of **6 days**, without escort commencing from **25.10.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Suresh S/o.Ravi aged about 43 years, Convict Prisoner , Convict No. 10505, Central Prison, Puzhal on emergency Leave for a period of **6 days i.e., from 25.10.2024 to 30.10.2024 .**

(ii) The Convict Prisoner shall be released on **25.10.2024** at 10.00 am and surrender before the Superintendent, Central Prison I, Puzhal, on **30.10.2024** at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Maduravayal 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



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any other activities.

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

Consequently, the connected Miscellaneous Petition is closed.

[S.M.S., J.]

[V.S.G., J.]

21.10.2024

Index: Yes/No

Speaking/Non-speaking order

gd



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To

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

2. The Superintendent of Prisons,
Central Prison – 1,
Puzhal, Chennai – 600 066.

3. The Public Prosecutor
High Court of Madras.



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