



WEB COPY



W.P.No.29961 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.29961 of 2024

Aasiya Mariyam

... Petitioner/Mother of the
Detenu

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 impugned order dated 12.09.2024 passed by the second respondent and quash the same directing the respondents to grant ordinary leave for 30 days without escort to the detenu, Noorul Ameen S/o. Mohammed Kasim aged about 28 years bearing Convict No.7875 confined at Central Prison, Puzhal.

For Petitioner : Mrs.S.Sadhana

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



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ORDER

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Rejection of leave application passed by the second respondent in proceedings dated 12.09.2024 is sought to be quashed in the present writ petition.

2. The convict prisoner is in actual imprisonment for about 10 years.
3. The learned Additional Public Prosecutor raised an objection by citing that the last leave was availed by the prisoner from 30.01.2024 to 20.02.2024. Thus, the Authorities have rejected the application filed by the petitioner seeking Ordinary Leave.
4. We have perused the report of the Probation Officer.
5. The Report reveals that the reasons stated in the leave application is correct and further the Probation Officer recommended the case of the prisoner for grant of bail.



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6. Considering the fact that the prisoner is in imprisonment for about

10 years, we are inclined to consider the present writ petition.

7. Accordingly, the impugned order dated 12.09.2024 is quashed and the convict prisoner *viz.*, Noorul Ameen, S/o. Mohamed Kasim, aged about 28 years, bearing Convict No.7875 confined at Central Prison, Puzhal, Chennai is hereby granted Ordinary Leave for 21 days without escort commencing from 25.10.2024 on the following conditions.

i) Respondents are directed to release the Convict Prisoner *viz.*, Noorul Ameen, S/o. Mohamed Kasim, aged about 28 years, bearing Convict No.7875 confined at Central Prison, Puzhal, Chennai on Ordinary Leave without escort 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 a.m. and surrender before the Superintendent, Central Prison - I, Puzhal on 14.11.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before Ilyangudi Police Station once in a week i.e., on every Monday at 10:30 a.m. during the period of leave.



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(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.]

21.10.2024

Index: Yes/No

Speaking/Non-speaking order

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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,
Madras High Court,
Chennai - 600 104.



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AND
V.SIVAGNANAM, J.

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