



WEB COPY



W.P.No.29757 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM :

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

W.P.No.29757 of 2024

Moorthy

... Petitioner/Brother
of the Detenu

Vs.

1. The State represented by its,
The Director Inspector General of Prison,
Coimbatore Range,
Coimbatore - 641 018.

2. The Superintendent,
Salem Central Prison,
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to grant ordinary leave for 90 days without escort to the detenu, Manikandan, S/o. Ayothi, aged about 37 years, bearing Convict No.8673, Convict Prisoner at Central Prison, Salem.

For Petitioner : Mr.P.Bakiyaraj

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



W.P.No.29757 of 2024

ORDER

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

WEB COPY

The writ petition has been filed seeking direction to the respondents to grant ordinary leave for 90 days without escort to the detenu, Manikandan, S/o. Ayothi, aged about 37 years, bearing Convict No.8673 confined at Central Prison, Salem.

2. It is not in dispute that the prisoner has availed Ordinary Leave from 15.02.2024 to 15.03.2024. Thus, the Prison Authorities have not considered the leave application, since the prisoner is not eligible under the Rules. However, the petitioner has filed the leave application mainly on the ground that the marriage between the convict prisoner and one Ms.Komathi is fixed by the elders of the family and the marriage invitation has been enclosed along with the typeset of papers filed in the present writ petition. The marriage of the convict prisoner is scheduled to be held on 21.10.2024 at Arulmigu Sri Ulagalanda Perumal Sannathi, Kannangurichi Village, Salem District.

3. In order to verify the said fact, we have directed the respondents to conduct an enquiry. The learned Additional Public Prosecutor appearing on behalf of the respondents on instructions would submit that the fact regarding



W.P.No.29757 of 2024

the marriage between the convict prisoner and Ms.Komathi is confirmed and the date of marriage is fixed on 21.10.2024. The Officials enquired the bride also.

4. In view of the fact that the marriage between the convict prisoner and the said Ms.Komathi has been fixed on 21.10.2024, we are inclined to consider the present writ petition, despite the fact that the prisoner is not eligible to avail Ordinary Leave.

5. Accordingly, the convict prisoner viz., Manikandan, aged 37 years, S/o.Ayothi, bearing Convict No.8673, confined at Central Prison, Salem is hereby granted Ordinary Leave for 21 days without escort commencing from today i.e., 19.10.2024 on the following conditions.

i) Respondents are directed to release the Convict Prisoner viz., Manikandan, aged 37 years, S/o.Ayothi, bearing Convict No.8673, confined at Central Prison, Salem on Ordinary Leave without escort for a period of 21 days i.e., from 19.10.2024 to 08.11.2024.



W.P.No.29757 of 2024

WEB COPY

(ii) The Convict Prisoner shall be released on 19.10.2024 at 05.30 p.m. and surrender before the Superintendent, Salem Central Prison, Salem on 08.11.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the Kannankurichi Police Station, Salem District twice in a week i.e., on every Monday and Friday at 10.30 a.m, during the period of leave, except on 21.10.2024.

(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.

6. The learned Counsel for the petitioner made a submission that the convict prisoner will surrender before the prison Authorities on expiry of leave period.

7. Accordingly, the writ petition stands **disposed of**. No Costs.

Post the matter under the caption 'for reporting compliance' on 11.11.2024.

[S.M.S., J.]

[V.S.G., J.]

19.10.2024

Index: Yes/No

Speaking/Non-speaking order

veda

Note: Issue Order Copy today i.e., on 19.10.2024.



W.P.No.29757 of 2024

To

1. The State represented by its,
The Director Inspector General of Prison,
Coimbatore Range,
Coimbatore - 641 018.
2. The Superintendent,
Salem Central Prison,
Salem.
3. The Public Prosecutor,
Madras High Court,
Chennai - 104.



WEB COPY



W.P.No.29757 of 2024

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W.P.No.29757 of 2024

19.10.2024