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W.P.No.31455 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.31455 of 2024

Stella Mary

... Petitioner

Vs.

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

2.The Superintendent of Prisons,
Central Prison – I,
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 date on 24.09.2024 passed by respondent No.2 and quashing the same, and directing the respondents to grant ordinary leave for 40 days for the petitioner's husband namely Pandiyan S/o.Mani aged about 59 years, Convict No.2416, Convict Prisoner, Central prison, Puzhal.



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For Petitioner : Mrs.S.Nadhiya
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

The rejection of leave application in proceedings dated 24.09.2024 is sought to be assailed in the present writ petition.

2. The reason furnished in the order impugned reveals that the prisoner was convicted under Section 394 of Indian Penal Code (IPC) read with 397 IPC and therefore, he is not eligible to avail ordinary leave under the Tamil Nadu Prison Rules, 1983.

3. However, the Probation Officer in his report has recommended the case of the prisoner for grant of ordinary leave.

4. On earlier occasion after availing leave, the prisoner surrendered promptly and the reason stated in the present leave application is also found to be correct. The wife of the prisoner is suffering from serious ailments and



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the prisoner has to make necessary arrangements to provide treatment to his wife.

5. In view of the fact that the prisoner is already in actual imprisonment for 20 years and his conduct on previous occasion are also not tainted, we are inclined to quash the rejection order passed by the 2nd respondent dated 24.09.2024 and permit the petitioner to avail 28 days Ordinary Leave on the following conditions;

- (1) The respondents are directed to release the Convict Prisoner viz., Pandiyan, S/o.Mani, aged about 59 years, confined at Central Prison-I, Puzhal, Chennai, on Ordinary Leave for a period of 28 days without escort i.e., from 18.11.2024 to 15.12.2024.
- (2) The Convict Prisoner shall be released on 18.11.2024 at 10.30 A.M. and surrender before the Superintendent of Prison, Central Prison, Puzhal, Chennai on 15.12.2024 at 05.30 P.M.
- (3) The Convict Prisoner is directed to report before the Inspector of Police, Vyasarpadi Police Station, Chennai, once in a week i.e., on every Monday at 05.00 P.M, during the period of leave.
- (4) During the leave period, the Convict Prisoner shall abide by all the conditions prescribed in the Jail Manual.



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(5) 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. With the above directions, this Writ Petition stands allowed.

[S.M.S., J.] [M.J.R., J.]

05.11.2024

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Index : Yes

Neutral Citation : Yes

Speaking order / Non-speaking order

Jeni

To

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

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

3. The Additional Public Prosecutor,
Madras High Court.



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M.JOTHIRAMAN, J.

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