



WEB COPY



W.P.No.30316 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.30316 of 2024

Ramasamy

... Petitioner

Vs.

1. The State represented by its,
The Deputy Inspector General of Prison,
Office of Deputy Inspector General of Prison,
Vellore Range, Ramset Nagar, Thorapadi, Vellore-2
2. The Superintendent of Prison,
Central Prison at Vellore,
Ramset Nagar, Thorapadi, Vellore-2
3. The Superintendent of Prison,
Central Prison at Salem,
Salem-7

... 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 pertaining with an impugned proceedings No.E.333361/tha.Ku.3/2024 dated 10.09.2024 passed by the 2nd respondent quash the same and consequently direct the respondents to grant 30 days ordinary leave without escort to the petitioner/convict namely Mr.Ramasamy S/o. Ellappan (CT No.331).



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For Petitioner : Mr. M.Mohamed Saifulia
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

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

The rejection of the leave application issued by the Superintendent of Prison, Central Prison, Vellore, vide proceedings in E.333361/tha.Ku.3/2024 dated 10.09.2024 is under challenge in the present writ petition.

2. The reason stated in the ordered impugned is that SLP filed by the prisoners before the Hon'ble Supreme Court is pending.

3. The convict prisoner has already undergone 14 years of imprisonment and he is eligible to file ordinary leave under the rules. No adverse conduct has been noticed against the convict prisoner inside the prison. That being so, 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. Accordingly, the impugned order vide proceedings in E.333361/tha.ku.3/2024 dated 10.09.2024 passed by the second respondent is quashed and the convict prisoner viz., Mr.Ramasamy S/o. Ellappan (CT No.331) now confined at Central Prison, Salem, is hereby granted ordinary



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leave for a period of 40 days, without escort commencing from **30.10.2024** on

the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Mr.Ramasamy S/o. Ellappan (CT No.331) (CT.No.331) now confined at Central Prison, Salem, on Ordinary Leave for a period of **40 days i.e., from 30.10.2024 to 08.12.2024.**

(ii) The Convict Prisoner shall be released on **30.10.2024** at 10.00 am and surrender before the Central Prison, Salem, on **08.12.2024** at 10.00 a.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Guruparapalli Police Station, Krishnagiri district once in a week, i.e. every Monday 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

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Speaking/Non-speaking order

mrp



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

mrp

- To
- The Deputy Inspector General of Prison,
Office of Deputy Inspector General of Prison,
Vellore Range, Ramset Nagar, Thorapadi, Vellore-2
2. The Superintendent of Prison,
Central Prison at Vellore,
Ramset Nagar, Thorapadi, Vellore-2
3. The Superintendent of Prison,
Central Prison at Salem,
Salem-7
4. The Public Prosecutor,
High Court of Madras.

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