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W.P.No.31375 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.31375 of 2024
and WMP.No.34051 of 2024

Meenakshi

... Petitioner

Vs.

1.The Deputy Inspector General of Prison,
Gandhi Irwin Road,
Egmore, Chennai – 8.

2.The Superintendent of Prisons,
Central Prison,
Puzhal, Chennai – 66.

... 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 in the order date on 07.10.2024 bearing No.CP-PU1/2412/2024-R2 passed by the respondent No.2 and quashing the same, and directing the respondents to grant 28 days ordinary leave to the petitioner's husband namely Saravanan s/o.Ezhumalai aged 50 years, convict No.5982, Convict Prisoner, Central Prison, Puzhal.

For Petitioner : Mrs.S.Nadhiya

For Respondents : Mr.R.Muniapparaj
Additional Public Prosecutor



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ORDER

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

The rejection of leave application by the second respondent in proceedings No.CP-PU1/2412/2024-R2 dated 07.10.2024 is under challenge in the present writ proceedings.

2. The prisoner submitted an application seeking ordinary leave on the ground that his wife has to undergo surgery and his father is also bed ridden and seriously ill.

3. The probation officer in his report has recommended the case of the prisoner for grant of ordinary leave.

4. The learned counsel for the petitioner would submit that the period of conviction is three years out of which the prisoner is already in actual imprisonment for about 2 ½ years.

5. As far as the prisoner in the present case is concerned, he has been



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already released on bail in another criminal case registered in SC.No.4 of 2021 registered under Section 302 IPC. Thus there is no impediment to consider the leave application by this Court.

6. In view of the above factum, we are inclined to consider the present petition. Accordingly, the prisoner has been granted ordinary leave for 21 days commencing from 18.11.2024 to 08.12.2024.

7. Accordingly, the convict prisoner viz., Mr.Saravanan S/o.Ezhumalai aged about 50 years bearing Convict No.5982 now confined at Central Prison, Puzhal is hereby granted ordinary leave for a period of **21 days**, without escort commencing from **18.11.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Mr.Saravanan S/o.Ezhumalai aged about 50 years bearing Convict No.5982 now confined at Central Prison, Puzhal on Ordinary Leave for a period of **21 days i.e., from 18.11.2024 to 08.12.2024.**

(ii) The Convict Prisoner shall be released on **18.11.2024** at 10.00 am and surrender before the Central Prison, Puzhal on **08.12.2024** at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the **Inspector of Police, R-7, K.K.Nagar Police Station, Chennai** twice a week on **Monday** and **Thursday** at **10.30 a.m.**, during



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the period of leave.

(iv) The Convict Prisoner is directed to appear before the trial Court whenever the hearing date is fixed during the leave period, where another criminal case is registered for the offence under Section 302 IPC in SC.No.4 of 2021.

(v) 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.

5. Accordingly, the writ petition stands allowed by quashing the proceedings No.CP-PU1/2412/2024-R2 dated 07.10.2024 passed by the second respondent. No Costs. Consequently, the connected Miscellaneous Petition is closed.

[S.M.S., J.]

[M.J.R., J.]

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Index: Yes/No
Speaking/Non-speaking order
tsh

To

1. The Deputy Inspector General of Prison,
Gandhi Irwin Road,
Egmore, Chennai – 8.



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2. The Superintendent of Prisons,
Central Prison,
Puzhal, Chennai – 66.

3. The Inspector of Police
R7 KK Nagar Police Station,
Chennai.

4. The Public Prosecutor
High Court of Madras.



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