



WEB COPY



W.P.No.31513 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM :

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

W.P.No.31513 of 2024

P.Sarala

... Petitioner

Vs.

1. The Director General of Prison,
O/o. Director General of Prison,
Whanells Road, Egmore,
Chennai – 600 008.
2. The Deputy Inspector General of Prison,
O/o. Deputy Inspector General of Police,
Vellore District.
3. The Superintendent of Prison,
Cuddalore Central Prison,
Cuddalore District.

... 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 proceeding vide No.15309/Tha.Ku.2/2024 dated 07.10.2024 by the 3rd respondent and quash the same and without escort to petitioner's brother Convict Prisoner Mr.Venkatesan S/o. Kannan (PID No.419252) now confined in Central Prison, Cuddalore for the purpose of “to arrangements and performed



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customary practise in puberty shower function” in pursuant to petitioner's representation dated 02.10.2024.

For Petitioner : Mr.P.Muthamizhselvakumar
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The rejection of leave application issued in proceedings dated 07.10.2024 by the 3rd respondent is sought to be quashed in the present writ petition.

2. The petitioner/Sister of the convict prisoner submitted an application seeking Emergency Leave for 10 days, in order to attend family function.

3. However, it is brought to the notice of this Court that the function was over and the prisoner is now in prison and has to visit his home to meet his daughter. The Probation Officer submitted a Report dated 07.11.2024 stating that the reason originally stated in the leave application is found to be correct and now the family function was over. Further, there was no adverse conduct noticed inside the prison by the Authorities.



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4. Considering the Probation Officer's Report and taking note of the reasons stated in the leave application, we are inclined to consider the present writ petition.

5. Accordingly, the impugned order passed by the third respondent in proceedings dated 07.10.2024 is hereby quashed and consequently, the convict prisoner viz., Venkatesan S/o. Kannan, bearing PID No.419252, confined at Central Prison, Cuddalore is hereby granted Emergency Leave for 6 days without escort commencing from 12.11.2024 on the following conditions:

i) Respondents are directed to release the convict prisoner viz., Venkatesan S/o. Kannan, bearing PID No.419252, confined at Central Prison, Cuddalore on Emergency Leave for a period of 6 days without escort commencing from 12.11.2024 to 17.11.2024.

(ii) The Convict Prisoner shall be released on 12.11.2024 at 10.30 A.M. and surrender before the Superintendent, Central Prison, Cuddalore on 17.11.2024 at 05.30 P.M.

(iii) 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.



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6. Accordingly, the writ petition stands **allowed**. No Costs.

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[S.M.S., J.]

[M.J.R., J.]

07.11.2024

Index: Yes/No

Speaking/Non-speaking order

veda

To

1. The Director General of Prison,
O/o., of Director General of Prison,
Whanells Road, Egmore,
Chennai – 600 008.
2. The Deputy Inspector General of Prison,
O/o. Deputy Inspector General of Police,
Vellore District.
3. The Superintendent of Prison,
Cuddalore Central Prison,
Cuddalore District.
4. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.



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M.JOTHIRAMAN, J.

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