



WEB COPY



W.P.No.31428 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM :

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

W.P.No.31428 of 2024
and WMP.No.35383 of 2024

Kamaraj

... Petitioner

Vs.

1.The State represented by its
Home Secretary
Prison Department, St.George Fort, Chennai – 9.

2. The Deputy Inspector General of Prison
Office of the Deputy Inspector General of Prison
Vellore Range, Ramset Nagar, Thorapadi, Vellore -2.

3.The Superintendent,
Central Prison at Vellore, Ramset Nagar,
Thorapadi, Vellore -2.

... 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.11249/Tha.Ku.3/2024 dated 21.10.2024 passed by the 3rd respondent to grant 28 days leave without escort to the petitioner / convict namely Mr.Kamaraj s/o.Swaminathan (Ct.No.4678).

For Petitioner

: Mr.M.Mohamed Saifulla



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For Respondents

: Mr.E.Raj Thilak
Additional Public Prosecutor

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ORDER

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

The order of rejection of the leave application submitted by the petitioner seeking ordinary leave to the prisoner is under challenge in the present writ proceedings.

2. The prisoner is in actual imprisonment for about 12 years and there is no adverse conduct noticed by the prison authorities, when the prisoner is in imprisonment. The Superintendent of Prison states that the conduct of the prisoner inside the prison is satisfactory. The prisoner has not availed ordinary leave for the past about 12 years, but availed emergency leave. The reason stated in the order impugned is that the prisoner is not eligible to avail ordinary leave, since, he was convicted under Section 394 r/w.397 IPC.

3. Taking note of the facts, the prisoner is maintaining good conduct for the past about 12 years inside the prison. Further, the prisoner has not availed the benefit of ordinary leave so far. We are inclined to consider the present



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petition, accordingly the prisoner is granted **15 days** of Ordinary leave

commencing from **25.11.2024 to 09.12.2024**.

5. Accordingly, the convict prisoner viz., Mr.Kamaraj s/o.Swaminathan bearing convict No.4678 now confined at Central Prison, Vellore is hereby granted ordinary leave for a period of **15 days**, without escort commencing from **25.11.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Mr.Kamaraj s/o.Swaminathan bearing convict No.4678 now confined at Central Prison, Vellore on Ordinary Leave for a period of **15 days i.e., from 25.11.2024 to 09.12.2024**.

(ii) The Convict Prisoner shall be released on **25.11.2024** at 10.00 am and surrender before the Central Prison, Vellore on **09.12.2024** at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the **Inspector of Police, Vaniyambadi Police Station**, daily at **11.00 a.m.**, during the period of leave.

(iv) The wife of the prisoner shall stand as surety.

(v) The Convict Prisoner shall utilize the leave only for the



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ground on which it has been granted and shall not indulge in any other activities.

6. Accordingly, the writ petition stands allowed by quashing the proceedings No.11249/Tha.Ku.3/2024 dated 21.10.2024 passed by the third respondent. No Costs. Consequently, the connected Miscellaneous Petition is closed.

7. For reporting compliance, post on 11.12.2024.

[S.M.S., J.]

[M.J.R., J.]

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Index: Yes/No

Speaking/Non-speaking order
tsh

To

1.The State represented by its
Home Secretary
Prison Department, St.George Fort, Chennai – 9.

2. The Deputy Inspector General of Prison
Office of the Deputy Inspector General of Prison
Vellore Range, Ramset Nagar, Thorapadi, Vellore -2.

3.The Superintendent,
Central Prison at Vellore, Ramset Nagar,
Thorapadi, Vellore -2.



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4. The Inspector of Police
Vaniyambadi Police Station.

5. The Public Prosecutor
High Court of Madras.



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