



WEB COPY



W.P.No.31851 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.31851 of 2024
and WMP.No.34601 of 2024

Muniyamma

... Petitioner

Vs.

1.The Home Secretary
Home Department (Pension)
Secretariat, Fort St.George
Chennai – 600 009.

2.The Deputy Inspector General
Vellore, Vellore District.

3.The Superintendent of Prisons,
Vellore Central Prison,
Vellore 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 the relating to the proceedings No.E343331/Tha.Ku.3/2024 dated 07.10.2024 passed by the 3rd respondent and quash the same (enlarge the petitioner's son (Convict Prisoner No.3785) and further directing the 3rd respondent to grant 21 days leave without escort, confined at Central Prison, Vellore.



W.P.No.31851 of 2024

WEB COPY

For Petitioner : Mr.P.M.Basil
For Respondents : Mr.R.Muniapparaj
Additional Public Prosecutor

ORDER

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

The rejection of leave application by the third respondent in proceedings No. No.E343331/Tha.Ku.3/2024 dated 07.10.2024 is under challenge in the present writ proceedings.

2. The reason stated in the order impugned thus though an appeal is pending before the Hon'ble Supreme Court of India.

3. The learned counsel for the petitioner would submit that no such appeal has been preferred by the prisoner and therefore, the reasons stated in the order impugned is not existing.

4. Though, the probation officer has not recommended the case of the prisoner for grant of ordinary leave, the reason stated is that the mother of the



W.P.No.31851 of 2024

prisoner is able to walk and do her works, in the leave application the prisoner has stated that her mother is ill-health.

5. The learned counsel for the petitioner would submit that previously his mother was admitted and now after treatment, she is able to walk and perform routine work. More so, the prisoner has been allowed to work as PLV (Para Legal Volunteer) inside the prison and maintaining good conduct.

6. Considering the facts and circumstances, we are inclined to grant ordinary leave for 21 days commencing from 19.11.2024 to 09.12.2024.

7. Accordingly, the convict prisoner viz., Mr.Nagaraj S/o.Chennalappa bearing Convict No.3785 now confined at Central Prison, Vellore is hereby granted ordinary leave for a period of **21 days**, without escort commencing from **19.11.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Mr.Nagaraj S/o.Chennalappa bearing Convict No.3785 now confined at Central Prison, Vellore on Ordinary Leave for a period of **21 days i.e., from 19.11.2024 to 09.12.2024.**



W.P.No.31851 of 2024

(ii) The Convict Prisoner shall be released on **19.11.2024** 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, Thenkanikottai Police Station, Krishnagiri District** twice a week on **Monday** and **Thursday** at **11.00 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 by quashing the proceedings No.E343331/Tha.Ku.3/2024 dated 07.10.2024 passed by the third respondent. No Costs. Consequently, the connected Miscellaneous Petition is closed.

[S.M.S., J.]

[M.J.R., J.]

13.11.2024

Index: Yes/No
Speaking/Non-speaking order
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W.P.No.31851 of 2024

To

- 1.The Home Secretary
Home Department (Pension)
Secretariat, Fort St.George
Chennai – 600 009.
- 2.The Deputy Inspector General
Vellore,
Vellore District.
- 3.The Superintendent of Prisons,
Vellore Central Prison,
Vellore District.
- 4.The Inspector of Police
Thenkanikottai Police Station,
Krishnagiri District.
5. The Public Prosecutor
High Court of Madras.



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W.P.No.31851 of 2024

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