



WEB COPY

W.P.No.31610 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.31610 of 2024

M.Pappathy

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary, Additional Chief Secretary
Cum Home Secretary,
Home Department,
St. George Fort,
Secretariat, Chennai – 600 009.

2.The Superintendent of Prison,
Central Prison Salem,
Salem District.

3.The State Rep. by Inspector of Police,
AWPS Police Station, Suramangalam,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 2nd respondent in No.21818 of 2024/ThaKu-3/2024, quash the same and consequently direct the 1st and 2nd



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respondents to grant 15 days ordinary leave to the detenue Husband by name of Cool Mani @ Auto Mani convict prisoner to the 2nd respondent, for the first glimpse of his grandchild who was born on 07.10.2024, and consider her representation dated 20.09.2024.

For Petitioner : Mr.K.Pragadeesh Kumar

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

The rejection of leave application issued by the Superintendent of Prison in proceedings dated 23.09.2024 is under challenge in the present writ petition.

2. The reason furnished in the order impugned reveals that the leave application seeking ordinary leave for 15 days was rejected on the ground that Crl.A.No.1258 of 2023 is pending before the High Court.

3. We have elaborately considered the issues and held that mere pendency of an appeal does not bar for considering the prisoner's leave



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application filed under the Tamil Nadu Suspension of Sentence Rules, 1982.

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4. However, in the present case, the the Probation Officer has submitted a report recommending the grant of ordinary leave to the prisoner. Notably, there has been no adverse conduct reported during the prisoner's incarceration.

5. That being the factum, we are inclined to quash the rejection order passed by the 2nd respondent dated 23.09.2024 and permit the convict prisoner to avail 15 days Ordinary Leave on the following conditions;

- (1) The respondents are directed to release the Convict Prisoner viz., Cool Mani @ Auto Mani, S/o.Arumugam, Convict No.9622, confined at Central Prison, Salem, on Ordinary Leave for a period of 15 days without escort i.e., from 26.11.2024 to 10.12.2024.
- (2) The Convict Prisoner shall be released on 26.11.2024 at 10.30 A.M. and surrender before the Superintendent of Prison, Central Prison, Salem on 10.12.2024 at 05.30 P.M.
- (3) The Convict Prisoner is directed to report before the Inspector of Police, Ethapur Police Station, Salem, twice in a week i.e., on every Monday and Thursday at 05.00 P.M, during the period of leave.



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(4) During the leave period, the Convict Prisoner shall abide by all the conditions prescribed in the Jail Manual.

(5) 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.

6. With the above directions, this Writ Petition stands allowed.

[S.M.S., J.] [M.J.R., J.]

20.11.2024

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Index : Yes

Neutral Citation : Yes

Speaking order / Non-speaking order

Jeni



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To

- 1.The Secretary, Additional Chief Secretary
Cum Home Secretary,
The Government of Tamil Nadu,
Home Department,
St. George Fort,
Secretariat, Chennai – 600 009.
- 2.The Superintendent of Prison,
Central Prison Salem,
Salem District.
- 3.The Inspector of Police,
The State,
AWPS Police Station, Suramangalam,
Salem District.
- 3.The Additional Public Prosecutor,
Madras High Court.



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AND
M.JOTHIRAMAN, J.

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