



WEB COPY



W.P.No.31301 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.31301 of 2024

Rajapandi

... Petitioner

Vs.

1. The State represented by its,
The Deputy Inspector of General of Prison,
Coimbatore Region,
Coimbatore- 641 018.

2.The Superintendent,
Coimbatore Central Prison,
Coimbatore - 641 018

... 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 to the impugned order bearing No.22404/Tha.Ku.3/2024, dated 19.09.2024, passed by the 2nd respondent and quash the same and consequently direct the 1st respondent to grant ordinary leave for 30 days without escort to the Murugan, S/o.Alager, aged about 40 years, convict prisoner, bearing Convict No.16250 detained at Central Prison, Coimbatore .

For Petitioner : Mr. M. Ezhilarasu

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER



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

The rejection of the leave application issued by the Superintendent of Prison, Central Prison, Coimbatore, vide its proceedings in No.22404/tha.ku.3/2024, dated 19.09.2024 is sought to be quashed in the present writ petition.

2. The convict prisoner is in actual imprisonment for about 16 years including the remand period. The leave application has been submitted seeking ordinary leave, which was rejected on the ground that the reason stated in the application is found to be in correct.

3. We have gone through the report of the Probation Officer, which would reveal that there is no serious adverse conduct noticed and considering the fact that the prisoner is in actual imprisonment for about 16 years, we are inclined to invoke our powers under Article 226 of the Constitution of India, thereby granting required leave to the convict prisoner herein.

4. Accordingly, the impugned order dated 19.09.2024 passed by the second respondent in No.22404/tha.ku.3/2024 is quashed and convict prisoner viz., Murugan, S/o.Alager,(Convict No.16250) now confined at Central Prison, Coimbatore, is hereby granted ordinary leave for a period of 28 days, without escort commencing from **31.10.2024** on the following conditions:-



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(i) Respondents are directed to release the Convict Prisoner viz., Mr. Murugan, S/o.Alager,(Convict No.16250) now confined at Central Prison, Coimbatore, on Ordinary Leave for a period of **28 days i.e., from 31.10.2024 to 27.11.2024.**

(ii) The Convict Prisoner shall be released on **31.10.2024** at 10.00 am and surrender before the Central Prison, Coimbatore, on **27.11.2024** at 10.00 a.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Amaravathi Nagar Police Station, Tirupur District, twice in a week, i.e., on Monday and Friday at 10.30a.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.

5. Accordingly, the writ petition stands allowed. No Costs.

[S.M.S., J.]

[V.S.G., J.]

29.10.2024

Index: Yes/No

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Speaking/Non-speaking order

mrp

Note : Issue Order copy today



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S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

mrp

To

1. The Deputy Inspector of General of Prison,
Coimbatore Region,
Coimbatore- 641 018.
- 2.The Superintendent,
Coimbatore Central Prison,
Coimbatore - 641 018
- 3.The Public Prosecutor,
High Court of Madras.

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