



WEB COPY



W.P.No.32119 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2024

CORAM:

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

W.P.No.32119 of 2024  
and W.M.P.No.34879 of 2024

Thilagavathi

... Petitioner

***Vs.***

1.The State rep. by its,  
The Deputy Inspector General of Prison,  
Gandhi Irwin Road, Egmore,  
Chennai – 600 008.

2.The Superintendent,  
Puzhal Central Prison – I,  
Puzhal – 600 066.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records connected with impugned order dated 12.09.2024 passed by the second respondent and quash the same and direct the respondents to grant ordinary leave for 30 day without escort to the detenu, Viswanathan, S/o.Chandran, aged about 50 years, bearing Convict No.9610, confined at Central Prison, Puzhal.



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For Petitioner : Ms.S.Sadhana

For Respondents : Mr.R.Muniyapparaj  
Additional Public Prosecutor

### **ORDER**

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

The rejection of the leave application in proceedings dated 12.09.2024 is sought to be set aside in the present Writ Petition.

2. The order impugned in this petition reveals that the leave application was rejected mainly on the ground that the convict prisoner has not completed 3 years of actual imprisonment as per the Rules.

3. However, the learned counsel for the petitioner would submit that including the remand period, the convict prisoner is in prison for about 4 years.

4. The Probation Officer in his report dated 24.09.2024 stated that the reason assigned by the prisoner in his leave application is correct that



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the wife of the prisoner is taking kidney treatment in Government Stanley Hospital and the doctors have advised for kidney transplantation to the prisoner's wife. The Superintendent of Prisons has addressed a letter to the Public Prosecutor stating that the conduct of the prisoner inside the prison is satisfactory.

5. Taking note of the above facts and circumstances, we are inclined to grant **21 days** ordinary leave to the convict prisoner.

6. Accordingly, the Writ Petition stands allowed and the impugned order dated 12.09.2024 is set aside. Consequently, the convict prisoner viz., Viswanathan, aged about 50 years, S/o.Chandran, bearing Convict No.9610, confined at Central Prison, Puzhal, is hereby granted ordinary leave for a period of **21 days**, without escort commencing from **11.12.2024** on the following conditions:-

(i) Respondents are directed to release the Convict Prisoner viz., Viswanathan, aged about 50 years, S/o.Chandran, bearing Convict No.9610, confined at Central Prison, Puzhal, for a period of **21 days, i.e., from 11.12.2024 till 31.12.2024.**



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(ii) The Convict Prisoner shall be released on **11.12.2024** at 10.30 A.M. and surrender before the Jail Authority on **31.12.2024** at 05.30 P.M. During the period of leave, the convict prisoner shall report before the jurisdictional Police i.e. Otteri Police Station, Chennai, twice a week on Mondays and Thursdays at 11.00 a.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.

No costs. Connected miscellaneous petition is closed.

(S.M.S, J.)

(M.J.R, J.)

**06.12.2024**

Index: Yes

Internet: Yes/No

Speaking order/Non-speaking order

***Sni***



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To

1.The Deputy Inspector General of Prison,  
Gandhi Irwin Road, Egmore,  
Chennai – 600 008.

2.The Superintendent,  
Puzhal Central Prison – I,  
Puzhal – 600 066.

3.The Public Prosecutor,  
High Court of Madras,  
Chennai.



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**S.M.SUBRAMANIAM, J.**  
**and**  
**M.JOTHIRAMAN, J.**

*Sni*

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06.12.2024