



WEB COPY



W.P.No.33022 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.33022 of 2024

Kasthuri

... Petitioner/wife of the detenu

Vs.

1. The State represented by its,
The Secretary to the Government of Tamil Nadu,
Home Department,
Fort St.George,
Chennai - 600 009.

2. The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore- 641 018.

3. The Superintendent,
Salem Central Prison,
Salem- 636 007

... 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 vide impugned order No.21273/Tha.Ku-3/2024, dated 18.09.2024, issued by the 3rd respondent and quash the same and consecutively direct the respondents to grant ordinary leave of 30 days without escort to the detenu, Dhanasekaran, S/o. Subramani, aged 36 years, Convict No.9675, confined at Central Prison, Salem.



W.P.No.33022 of 2024

For Petitioner : Ms. K. Akshaya
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 issued by the Superintendent of Prison, Central Prison, Salem, vide its proceedings in No.21273/Tha.Ku-3/2024, dated 18.09.2024 is sought to be quashed in the present writ petition.

2. The reason stated in the order impugned is that the convict prisoner has not completed one year of imprisonment from the date of conviction and therefore, he is not eligible to avail Ordinary Leave under the Tamil Nadu Suspension of Sentence Rules 1982.

3. However, the learned counsel for the petitioner would submit that the convict prisoner is in actual imprisonment for about 5 years and 19 days including the period of remand. The reason stated in the leave application is that the convict prisoner has to arrange livelihood for his wife and five girl children.

4. The Probation Officer, on verification, found that the reason stated in the leave application is correct. The conduct of the convict prisoner inside the



W.P.No.33022 of 2024

prison is not disputed.

WEB COPY

5. Since there is no adverse conduct notice inside the prison nor the convict prisoner has committed any prison offence during his imprisonment for the past about 5 years and 19 days, we are inclined to invoke our powers under Article 226 of the Constitution of India, thereby granting required leave to the convict prisoner herein.

6. Accordingly, the impugned order dated 18.09.2024 passed by the third respondent in No. 21273/Tha.Ku-3/2024 is quashed and convict prisoner viz., Dhanasekaran, S/o. Subramani, aged 36 years, Convict No.9675, confined at Central Prison, Salem, 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., Dhanasekaran, S/o. Subramani, aged 36 years, Convict No.9675, confined at Central Prison, Salem, on Ordinary Leave for a period of **21 days i.e., from 19.11.2024 to 09.12.2024.**

(ii) The Convict Prisoner shall be released on **19.11.2024** at 10.00 am and surrender before the Central Prison, Salem, on **09.12.2024** at 10.00 a.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Ammapettai Police Station, twice in a week, i.e., on Monday and Friday at 11.00 a.m., during the period of



W.P.No.33022 of 2024

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.

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

[S.M.S., J.]

[M.J.R., J.]

13.11.2024

Index: Yes/No

Speaking/Non-speaking order

mrp

To

1. The Secretary to the Government of Tamil Nadu,
Home Department,
Fort St.George,
Chennai - 600 009.
2. The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore- 641 018.
3. The Superintendent,
Salem Central Prison,
Salem- 636 007
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



W.P.No.33022 of 2024

S.M.SUBRAMANIAM, J.
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W.P.No.33022 of 2024

13.11.2024