



WEB COPY



W.P.No.33437 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM :

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

W.P.No.33437 of 2024

R.Lalitha

... Petitioner

Vs.

1. The State represented by its,
The Home Secretary (Prison),
St.George Fort,
Chennai 600 009.
2. The Director General of Prison,
Gandhi Irwin Road, CMDA Building,
Egmore, Chennai 600 008.
3. The Superintendent of Prison,
Central Prison-I (convict)
Puzhal, Chennai- 600 066.

... 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 dated 07.10.2024 vide
No.319568/tha.ku.2/2024 passed by the 3rd respondent and quash the same



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and consequently direct the respondents to grant 21 days ordinary leave to the convict namely Mr.Raja, S/o. Mannankatti bearing convict no.10020 .

For Petitioner : Mr. R. Rafi Babu
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, Puzhal, vide its proceedings in No.319568/Tha.ku-2/2024, dated 07.10.2024, is sought to be quashed in the present writ petition.

2. The order of rejection, rejecting the leave application, stating that the prisoner would not eligible to avail ordinary leave under the Suspension of Sentence Rules. The prisoner is in actual imprisonment for about 2 years and one month. Therefore, he is not eligible to avail ordinary leave, however, the Probation Officer in his report has stated that the reason stated in the leave application is correct and the wife and the parents of the prisoner are expecting the prisoner to visit the home.



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3. Considering the fact that the Probation Officer has recommended the case of the prisoner for grant of leave, we are inclined to grant emergency leave for six days and the respondents are at liberty to extend the emergency leave upto the maximum limit as per the procedures contemplated and accordingly, the impugned order dated 07.10.2024 passed by the third respondent in No. 319568/Tha.ku-2/2024 is quashed and convict prisoner viz., Raja, S/o. Mannankatti, Convict No.10020, confined at Central Prison-I, Puzhal, Chennai, is hereby granted Emergency Leave for a period of **six days**, without escort commencing from **09.12.2024** on the following conditions:-

(i) Respondents are directed to release the Convict Prisoner viz., Raja, S/o. Mannankatti, Convict No.10020, confined at Central Prison-I, Puzhal, Chennai, on Emergency Leave without escort for a period of **6 days commencing from 09.12.2024.**

(ii) The Convict Prisoner shall be released on **09.12.2024** at 10.00 am and surrender before the Central Prison-I, Puzhal, Chennai, on **14.12.2024** at 05.30 p.m.

(iii) The Convict Prisoner is directed to **report before the Inspector of Police, Madipakkam Police Station, Chennai on 11.12.2024 and 13.12.2024 at 11.00 a.m.,** during the period of leave.



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(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.

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

[S.M.S., J.]

[M.J.R., J.]

05.12.2024

Index: Yes/No

Speaking/Non-speaking order

mrp

To

1. The Home Secretary (Prison),
St.George Fort,
Chennai 600 009.
2. The Director General of Prison,
Gandhi Irwin Road, CMDA Building,
Egmore, Chennai 600 008.
3. The Superintendent of Prison,
Central Prison-I (convict)
Puzhal, Chennai- 600 066.
4. The Public Prosecutor,
High Court of Madras.



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