



WEB COPY



W.P.No.32616 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM :

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

W.P.No.32616 of 2024

and

W.M.P.No.35460 of 2024

Suresh

... Petitioner

Vs.

1.The State represented 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 for the issuance of Writ of Certiorarified Mandamus, to call for the records connected with impugned order dated 24.09.2024 passed by the second respondent and quash the same directing the respondents to grant emergency leave for 21 days without escort to the detenue, Suresh S/o.Ragavan, aged about 39 years bearing Convict No.10080 confined at Central Prison, Puzhal.

For Petitioner : Ms.S.Nadhiya

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



W.P.No.32616 of 2024

ORDER

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

The rejection of leave application issued by the Superintendent of Prisons, Puzhal, Central Prison – I, in proceedings dated 24.09.2024, is sought to be quashed in the present writ petition.

2.The prisoner is in actual imprisonment for about two years eight months and 28 days. Since the prisoner has not completed three years of imprisonment, the authorities rejected the leave application on the ground of eligibility. However, the leave application indicates that the prisoner wants to make livelihood arrangements and to provide medical treatment to his aged mother. The probation officer has not recommended the case of the prisoner mainly on the ground that, the prisoner has not completed three years and moreso, the details regarding the wife and children of the prisoner were not provided. The mother and the sister of the prisoner has also not given any details about the family members of the prisoner.

3.The learned counsel for the petitioner filed two affidavits, one by the mother of the prisoner and the other by the sister of the prisoner. In the affidavits, the mother of the prisoner has stated that she will take care of the



W.P.No.32616 of 2024

prisoner and the sister of the prisoner will give surety that on expiry of the leave, they will ensure that the prisoner surrenders before the jail authorities promptly.

4.Considering the reasons stated in the petition and noting the fact that the mother and sister of the prisoner have filed sworn affidavits, we are inclined to consider the petition.

5.Accordingly, the impugned order dated 24.09.2024 passed by the second respondent is hereby quashed and consequently, the convict prisoner viz., Suresh S/o.Ragavan, aged about 39 years, bearing Convict No.10080, confined at Central Prison, Puzhal, is hereby granted Ordinary Leave for 21 days without escort, which would commence from 28.11.2024, on the following conditions:

i) Respondents are directed to release the convict prisoner viz., Suresh S/o.Ragavan, aged about 39 years bearing Convict No.10080 confined at Central Prison, Puzhal on Ordinary Leave for a period of 21 days without escort commencing from 28.11.2024 to 18.12.2024.

(ii) The Convict Prisoner shall be released on 28.11.2024 at 10.30 A.M. and surrender before the Superintendent, Central Prison, Puzhal on 18.12.2024 at 05.30 P.M.

(iii) The Convict Prisoner shall appear before the



WEB COPY



W.P.No.32616 of 2024

**Maraimalai Nagar Police Station, Chengalpattu District,
twice in a week, i.e. on every Monday and Thursday at
11.00a.m., during the period of ordinary 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.

6. Accordingly, the writ petition stands allowed. Consequently, connected miscellaneous petition is closed. No Costs.

[S.M.S., J.]

[M.J.R., J.]

25.11.2024

Index: Yes/No
Speaking/Non-speaking order
sli

To

1.The State represented 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.

3.The Public Prosecutor,
Madras High Court,
Chennai - 104.



WEB COPY



W.P.No.32616 of 2024

S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

sli

W.P.No.32616 of 2024
and
W.M.P.No.35460 of 2024

25.11.2024