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W.P.No.32540 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.32540 of 2024
and WMP.No.35370 of 2024

Santhi

... 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 – 600066.

... 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 27.09.2024 passed by the second respondent and quash the same and directing the respondents to grant ordinary leave for 30 days without escort to the detenue, Saravanan s/o.Loganathan aged about 43 years bearing Convict No.8338 confined at Central Prison, Puzhal.

For Petitioner : M/s.S.Sadhana

For Respondents : Mr.R.Muniapparaj



W.P.No.32540 of 2024

Additional Public Prosecutor

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ORDER

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

The rejection of leave application by the second respondent in proceedings dated 27.09.2024 is sought to be assailed in the present writ proceedings.

2. The reasons stated for rejection of leave application is that the prisoner is facing criminal trial. The details of pending case as stated by the Additional Public Prosecutor is that offence under Section 8(c) r/w.20(b)(ii)(B), 29(1) of NDPS Act in CC.No.537 of 2024 pending on the file of Principal Special Court under EC & NDPS Act, Chennai, the next hearing date is fixed on 13.11.2024. Since, the prisoner has to be produced by the Superintendent of Prison, during the hearing dates, pending trial, the leave application has been rejected.

3. Further, we found that the prisoner is in actual imprisonment for three years and eight months. The Superintendent of prisons also stated that the prisoner has not committed any prison offence and his conduct inside the prison is satisfactory.



W.P.No.32540 of 2024

WEB COPY

4. That being so, we are inclined to grant ordinary leave for 21 days commencing from 19.11.2024 to 09.12.2024.

5. Accordingly, the convict prisoner viz., Saravanan s/o.Loganathan aged about 43 years bearing Convict No.8338 now confined at Central Prison, Puzhal 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., Saravanan s/o.Loganathan aged about 43 years bearing Convict No.8338 now confined at Central Prison, Puzhal 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, Puzhal on **09.12.2024** at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the **Inspector of Police, T6 Avadi Police Station, Chennai** twice a week on **Monday** and **Thursday** at **11.00 a.m.**, during the period of leave.



W.P.No.32540 of 2024

(iv)The Convict Prisoner is directed to appear before the trial Court in CC.No.537 of 2024 whenever the hearing date is fixed during the leave period.

(v)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 by quashing the proceedings dated 27.09.2024 passed by the second respondent. No Costs. Consequently, the connected Miscellaneous Petition is closed.

[S.M.S., J.]

[M.J.R., J.]

13.11.2024

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

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 – 600066.

3.The Inspector of Police
T6 Avadi Police Station,



W.P.No.32540 of 2024

4. The Public Prosecutor
High Court of Madras.



WEB COPY



W.P.No.32540 of 2024

S.M. SUBRAMANIAM, J.
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13.11.2024