



WEB COPY



W.P.No.32796 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM :

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

W.P.No.32796 of 2024

Pushpavathi

... Petitioner/wife of the detenu

Vs.

1. The State represented by its,
The Deputy Inspector General of Prison,
Vellore Range,
Vellore- 632 001

2. The Superintendent,
Central Prison, Cuddalore,
Cuddalore 607 044

... 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 bearing No.14940/Tha.Ku-2/2024, dated 30.09.2024, passed by the 2nd respondent and quash the same and consecutively direct the 2nd respondent to grant ordinary leave of 28 days without escort to the detenu, Super @ Subburayan, S/o.Athimoolam, aged about 56 years, bearing convict no.15249 , confined at Central Prison, Cuddalore.

For Petitioner : Ms. M.Ezhilarasu

For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor



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ORDER

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

The order of rejecting the leave application issued by the Superintendent of Prison, Central Prison, Cuddalore, vide its proceedings in No.14940/Tha.Ku-2/2024, dated 30.09.2024 is sought to be quashed in the present writ petition.

2. The 2nd respondent rejected the leave application mainly on the ground that petitioner has submitted the leave application before expiry of the period of one year from the date of expiry of the last leave availed by the convict prisoner.

3. However, the learned counsel for the petitioner would submit that convict prisoner has already in actual imprisonment for about 10 years and he has to make some livelihood arrangements to the family members and the children, who all are studying medical course.

4. It is not in dispute that both the children of the convict prisoner are pursuing MBBS Course.



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5. Considering the facts and circumstances, 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 30.09.2024 passed by the second respondent in No. 14940/Tha.Ku-2/2024 is quashed and convict prisoner viz., Super @ Subburayan, S/o.Athimoolam, aged 56 years, convict no.15249, confined at Central Prison, Cuddalore, is hereby granted **ordinary leave for a period of 18 days**, without escort commencing from **21.11.2024** on the following conditions:-

(i) Respondents are directed to release the Convict Prisoner viz., Super @ Subburayan, S/o.Athimoolam, aged 56 years, convict no.15249, confined at Central Prison, Cuddalore, on Ordinary Leave for a period of **18 days i.e., from 21.11.2024 to 08.12.2024.**

(ii) The Convict Prisoner shall be released on **21.11.2024** at 10.00 am and surrender before the Central Prison, Cuddalore, on **08.12.2024** at 5.30 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Neyveli Town Police Station, twice in a week, i.e., on Monday and Friday 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.

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

[S.M.S., J.]

[M.J.R., J.]

15.11.2024

Index: Yes/No

Speaking/Non-speaking order

mrp

To

1. The Deputy Inspector General of Prison,
Vellore Range,
Vellore- 632 001
2. The Superintendent,
Central Prison, Cuddalore,
Cuddalore 607 044
3. The Public Prosecutor,
High Court of Madras.



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