



WEB COPY



W.P.No.33795 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.33795 of 2024

and

W.M.P.No.36603 of 2024

Vasantha

... Petitioner

Vs.

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

2.The Deputy Inspector of General of Prison,
Vellore Range, Vellore - 632 002.

3.The Superintendent,
Cuddalore, Central Prison,
Cuddalore 607 004.

... 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.14770/Tha.Ku2/2024, dated 27.09.2024 passed by the 3rd respondent and quash the same and consecutively direct the respondents to grant ordinary leave for 30 days without escort to the detenue, Ganeshkumar, S/o.Kuppusami aged about 37 years Convict No.17019 confined at Central Prison, Cuddalore.



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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 leave application issued by the Superintendent of Prisons, Central Prison, Cuddalore, in No.14770/Tha.Ku2/2024, dated 27.09.2024 is sought to be quashed in the present writ petition.

2. There is no adverse conduct against the prisoner inside the prison. The Superintendent of Prison also has stated that the conduct of the petitioner is satisfied. The prisoner is in actual imprisonment for about six years and therefore, he would be eligible to avail ordinary leave under the prison rules.

3. Considering the facts and circumstances, we are inclined to grant ordinary leave to the petitioner. Accordingly, the impugned order dated 27.09.2024 in No.14770/Tha.Ku2/2024, is hereby quashed and consequently, the convict prisoner *viz.*, Ganeshkumar, S/o.Kuppusami, aged about 37 years, Convict No.17019, confined at Central Prison, Cuddalore, is hereby granted Ordinary Leave for 21 days without escort, which would commence from 28.11.2024, on the following conditions:



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i) Respondents are directed to release the convict prisoner viz., Ganeshkumar, S/o.Kuppusami aged about 37 years Convict No.17019 confined at Central Prison, Cuddalore, 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, Cuddalore on 18.12.2024 at 05.30 P.M.

(iii) The Convict Prisoner shall appear before the **Velankanni Police Station, twice in a week, i.e. on every Monday and Thursday at 11.00 a.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

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

sli

To

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

2.The Deputy Inspector of General of Prison,
Vellore Range, Vellore - 632 002.

3.The Superintendent,
Cuddalore, Central Prison,
Cuddalore 607 004.

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

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25.11.2024