



WEB COPY



W.P.No.33753 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM :

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

W.P.No.33753 of 2024
and
WMP No.36545 of 2024

Valli

... Petitioner/wife of the detenu

Vs.

1. The State represented by its,
The Deputy Inspector General of Prison,
Coimbatore Zone,
Coimbatore.

2. The Superintendent,
Salem Central Prison,
Salem.

... 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.21299/Tha.Ku-3/2024, dated 08.10.2024 passed by the 2nd respondent and quash the same and consecutively direct the 1st respondent to Ordinary Leave for 30 days without escort to the detenu, Ayyanar, S/o. Perumal, aged about 40 years bearing Convict No.9695 and PID No.22075 at Central Prison, Salem.



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For Petitioner : Ms. S. Pandiyan
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, Salem, vide its proceedings in No.21299/Tha.Ku-3/2024, dated 08.10.2024 is sought to be quashed in the present writ petition.

2. The prisoner is in imprisonment for about six months from the date of conviction, but he remained in prison as Remand Prisoner for about 3 1/2 years and in total, he is in actual imprisonment for about 4 years.

3. The Probation Officer, during enquiry, found that the reason stated in the leave application is correct and there is no adverse conduct noticed by the Prison Authorities.

4. Accordingly, the impugned order dated 08.10.2024 passed by the second respondent in No. 21299/Tha.Ku-3/2024 is quashed and convict prisoner viz., Ayyanar, S/o. Perumal, aged 40 years, Convict No.9695 and PID No.22075 confined at Central Prison, Salem, is hereby granted ordinary leave for a period of 21 days, without escort commencing from **06.12.2024** on the



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following conditions:-

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(i) Respondents are directed to release the Convict Prisoner viz., Ayyanar, S/o. Perumal, aged 40 years, Convict No.9695 and PID No.22075 at Central Prison, Salem, on Ordinary Leave for a period of **21 days i.e., from 06.12.2024 to 26.12.2024.**

(ii) The Convict Prisoner shall be released on **06.12.2024** at 10.00 am and surrender before the Central Prison, Salem, on **26.12.2024** at 05.00 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Veeranam Police Station, Salem District, twice in a week, i.e., on Monday and Thursday at 11.00 a.m., during the period of 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.

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

[S.M.S., J.]

[M.J.R., J.]

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Index: Yes/No

Speaking/Non-speaking order

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

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To

1. The Deputy Inspector General of Prison,
Coimbatore Zone,
Coimbatore.
2. The Superintendent,
Central Prison,
Salem.
3. The Public Prosecutor,
High Court of Madras.

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