



WEB COPY



W.P.No.33755 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.33755 of 2024
and
WMP No.36553 of 2024

Kasiyammal

... Petitioner/mother 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.23195/Tha.Ku-3/2024, dated 09.10.2024 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, Gunesakar S/o. Ramar, aged about 34 years bearing Convict No.9053 and PID No.35837 at Central Prison, Salem.



W.P.No.33755 of 2024

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.23195/Tha.Ku-3/2024, dated 09.10.2024 is sought to be quashed in the present writ petition.

2. The reason assigned in the order impugned is that a case in Crime No.188 of 2007 under Section 120(B), 379, 302 & 414 of IPC is pending before the II Additional District Judge, Salem against the prisoner.

3. The learned Additional Public Prosecutor would submit that the prisoner is in actual imprisonment for about 8 years and his conduct inside the prison is satisfactory.

4. The reason stated is found to be true and the parents of the prisoner expressed their willingness to meet their son, who is a prisoner.



W.P.No.33755 of 2024

WEB COPY

5. Taking note of the fact that the prisoner is in actual imprisonment for 8 years and 15 days and not availed any leave on the previous occasions, the impugned order dated 09.10.2024 passed by the second respondent in No. 23195/Tha.Ku-3/2024 is quashed and convict prisoner viz., Gunesakar S/o. Ramar, aged 34 years, Convict No.9053 and PID No.35837 confined at Central Prison, Salem, is hereby granted ordinary leave for a period of 21 days, without escort commencing from **09.12.2024** on the following conditions:-

(i) Respondents are directed to release the Convict Prisoner viz., Gunesakar S/o. Ramarl, aged 34 years, Convict No.9053 and PID No.35837 at Central Prison, Salem, on Ordinary Leave for a period of **28 days i.e., from 09.12.2024 to 05.01.2025.**

(ii) The Convict Prisoner shall be released on **09.12.2024** at 10.00 am and surrender before the Central Prison, Salem, on **05.01.2025** 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 appear before the II Additional District Court, Salem, in which trial has already



W.P.No.33755 of 2024

commenced in Crime no.188/2007, in all hearing dates.

(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. No Costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[M.J.R., J.]

03.12.2024

Index: Yes/No

Speaking/Non-speaking order

mrp

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



WEB COPY



W.P.No.33755 of 2024

S.M.SUBRAMANIAM, J.
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mrp

W.P.No.33755 of 2024

03.12.2024