



WEB COPY



W.P.No.34135 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2024

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.34135 of 2024

Amutha

W/o Ganesan

.. Petitioner

v.

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
Puzhal 600 066

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records connected with impugned order dated 07.11.2024 in proceedings No.290267/ThaKu.2/2024 passed by the second respondent and quash the same and directing the respondents to grant ordinary leave for 21 days without escort to the detenu, Ganesan, S/o Govindhan, aged about 52 years,



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bearing Convict No.8569, confined at Central Prison, Puzhal.

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For Petitioner :: M/s S.Sadhana

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

ORDER

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

The prisoner was granted ordinary leave with escort by the prison authorities. The learned counsel for petitioner would submit that the prisoner is in actual imprisonment for about 2½ years. Thus the prisoner is eligible to avail ordinary leave, since the period of conviction is five years. However, the prisoner is not in a position to meet out the expenditures of the escort to be accompanied. Therefore, the present writ petition came to be instituted.

2. The learned Additional Public Prosecutor would raise an objection by stating that the prisoner availed emergency leave for 15 days pursuant to the orders of this Court dated 30.04.2024 in W.P.No.11755 of 2024 from 06.05.2024 to 20.05.2024. Thus the present writ petition is to be rejected.

3. However, the fact remains that the respondents themselves granted



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ordinary leave for 21 days with escort to the prisoner. There is no adverse conduct noticed by the prison authorities inside the prison. The prisoner earlier availed emergency leave for 15 days in the month of May, 2024. Therefore, in our considered opinion, the leave granted with escort may not be required. Thus, we are inclined to pass the following order:-

- (i) The impugned order passed by the 2nd respondent dated 07.11.2024 is set aside.
- (ii) The prisoner, namely, Ganesan, S/o Govindhan, aged about 52 years, Convict No.8569, who is confined in Central Prison, Puzhal, Chennai is granted 21 days ordinary leave without escort.
- (iii) The leave shall commence from 27.11.2024 10.30 A.M., and the prisoner shall surrender before the second respondent by 5.30 P.M., on 17.12.2024.
- (iv) The prisoner shall appear before the N-1 Royapuram Police Station, Chennai daily at 11.00 A.M., during the period of leave.

The writ petition stands allowed on the above terms. No costs.

Index : yes/no
Neutral citation : yes/no

(S.M.S.,J.) (M.J.R.,J.)
25.11.2024

ss
To

1. The Deputy Inspector General of Prison



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Gandhi Irwin Road, Egmore
Chennai 600 008

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2. The Superintendent of Prison
Central Prison
Puzhal, Chennai 600 066
3. The Inspector of Police
N-1 Royapuram Police Station
Chennai
4. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

SS

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