



WEB COPY



W.P.No.34224 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.34224 of 2024

M.Nithya
W/o Maruthupandiyan .. Petitioner

v.

1. The Deputy Inspector General of Prison
Vellore Range
Vellore 632 002

2. The Superintendent of Prisons
Central Prison
Cuddalore-4 .. 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 No.16825/Tha.Ku.2/2024 dated 04.11.2024 passed by respondent No.2 and quash the same and consequently direct the respondents to grant 30 days ordinary leave to the petitioner's husband D.Maruthupandiyan, S/o Duraisamy, aged 50 years, (PID No.366486), Convict Prisoner No.16997,



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now confined in the Central Prison, Cuddalore.

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For Petitioner :: Mr.P.Pugalenth

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

ORDER

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

The order of rejection rejecting the leave application for grant of ordinary leave is under challenge in the present writ proceedings.

2. Heard both sides.

3. The prisoner is in actual imprisonment for more than three years and therefore he is eligible to avail ordinary leave for 21 days. The prison authorities have stated that there is no misconduct on the part of the prisoner inside the prison during his imprisonment. Taking note of the fact that the pendency of appeal alone is taken as a ground for rejecting the leave application, we are inclined to pass the following order:-



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- (i) The impugned order passed by the 2nd respondent dated 04.11.2024 is set aside.
- (ii) The prisoner, namely, D.Maruthupandiyan, S/o Duraisamy, aged about 50 years, Convict No.16997, who is confined in Central Prison, Cuddalore is granted 21 days ordinary leave without escort.
- (iii) The leave shall commence from 29.11.2024 10.30 A.M., and the prisoner shall surrender before the second respondent by 5.30 P.M., on 19.12.2024.
- (iv) The prisoner shall appear before the Virudhachalam Police Station, Cuddalore District twice in a week i.e., on every Monday and Thursday 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
Vellore Range
Vellore 632 002

2. The Superintendent of Prison
Central Prison



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3. The Inspector of Police
Virudhachalam Police Station
Cuddalore District

4. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

SS

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