



WEB COPY



W.P.No.35238 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.35238 of 2024

Nirosha

W/o R.Rajesh Kumar @ Rajesh

..

Petitioner

v.

1. The Deputy Inspector General of Prisons
Gandhi Irwin Road, Egmore
Chennai 600 008

2. The Superintendent of Prisons
Central Prison
Puzhal, Chennai 600 066

..

Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in the order date on 26.10.2024 bearing no.312882/tha.ku.2/2024 passed by respondent no.2 and quashing the same, and directing the respondents to grant 21 days ordinary leave by without escort instead of with escort for the petitioner's husband namely R.Rajesh Kumar @ Rajesh, S/o Raj aged 34 years, Convict No.8679, Convict Prisoner, Central Prison, Puzhal, Chennai.

For Petitioner

::

Mrs.S.Nadhiya



W.P.No.35238 of 2024

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 3 years and 11 months. Since the family of the prisoner is not in a position to meet out the escort expenditures, the present writ petition came to be instituted.

2. On earlier occasion, leave was granted to the prisoner without escort and he surrendered punctually on expiry of the leave period. Taking note of the said fact, we are inclined to pass the following order:-

- (i) The impugned order passed by the 2nd respondent dated 26.10.2024 is set aside.
- (ii) The prisoner, namely, R.Rajesh Kumar @ Rajesh, S/o Raj, aged about 34 years, Convict No.8679, who is confined in Central Prison, Puzhal, Chennai is granted 21 days ordinary leave without escort.
- (iii) The leave shall commence from 29.11.2024 10.30 A.M., and the



W.P.No.35238 of 2024

prisoner shall surrender before the second respondent by 5.30 P.M.,
on 19.12.2024.

(iv)The prisoner shall appear before the H-5 New Washermanpet Police
Station, Chennai daily at 11.00 A.M., during the period of leave.

The writ petition stands allowed on the above terms. Consequently,

W.M.P.No.38143 of 2024 stands closed. No costs.

Index : yes/no

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

Neutral citation : yes/no

25.11.2024

SS

To

1. The Deputy Inspector General of Prisons
Gandhi Irwin Road, Egmore
Chennai 600 008

2. The Superintendent of Prisons
Central Prison
Puzhal, Chennai 600 066

3. The Inspector of Police
H-5 New Washermanpet Police Station
Chennai

4. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

SS

W.P.No.35238 of 2024

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