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W.P.No.35142 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.35142 of 2024
and
WMP No.38059 of 2024

Maheswari

... Petitioner/Sister of the detenu

Vs.

1. The State represented by its,
The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai 600 009.

2. The Deputy Inspector General of Prison,
Puzhal Range,
Puzhal 600 066.

2.The Superintendent,
Puzhal Central Prison,
Puzhal- 600 066.

... 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.206108/Tha.ku-2/2024, dated 25.10.2024 passed by the 3rd respondent and quash the same and



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consequently, direct the 2nd respondent to grant Ordinary Leave for one month without escort to the detenu, Sanmuganathan S/o. Ramasamy, aged about 51 years, Convict prisoner bearing Convict No.8326 at Central Prison, Puzhal.

For Petitioner : Mr. M. Ezhilarasu
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, Puzhal, vide its proceedings in No.206108/Tha.ku-2/2024, dated 25.10.2024, is sought to be quashed in the present writ petition.

2. The prisoner is in actual imprisonment for 4 years, 4 months and 20 days. Therefore, he is eligible to avail 21 days Ordinary Leave as per the Suspension of Sentence Rules.

3. The Authorities rejected the leave application filed by the petitioner on the ground that the Probation Officer has not recommended.

4. We have perused the report of the Probation Officer, in which, he states



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that the reason stated in the leave application is not correct. The mother of the prisoner is now living with the elder brother of the prisoner and she is not in an ill-health condition. However, we found that the prisoner is in actual imprisonment for more than 4 years and not availed leave on earlier occasion. Therefore, we are inclined to consider the present petition.

5. Accordingly, the impugned order dated 25.10.2024 passed by the third respondent in No. 206108/Tha.ku-2/2024 is quashed and convict prisoner viz., Sanmuganathan S/o. Ramasamy, aged 51 years, Convict No.8326, confined at Central Prison, Puzhal, Chennai, 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., Sanmuganathan S/o. Ramasamy, aged 51 years, Convict No.8326, confined at Central Prison, Puzhal, Chennai, on Ordinary Leave for a period of **21 days i.e., from 09.12.2024 to 29.12.2024.**

(ii) The Convict Prisoner shall be released on **09.12.2024** at 10.00 am and surrender before the Central Prison, Puzhal, Chennai, on **29.12.2024** at 05.00 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, R2 Kodambakkam Police Station, Chennai,



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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.

6. 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

mrp

To

1. The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai 600 009.
2. The Deputy Inspector General of Prison,
Puzhal Range,
Puzhal 600 066.
3. The Superintendent,
Puzhal Central Prison,
Puzhal- 600 066.
4. The Public Prosecutor,
High Court of Madras.



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AND
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