



WEB COPY



W.P.No.35674 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.35674 of 2024

Shanthi

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Prison Head Quarters,
Egmore, Chennai.

2.The Superintendent,
Central Prison,
Puzhal,
Chennai – 600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records bearing No.11327/tha.ku.2/2024 dated 04.11.2024 passed by the second respondent and quashing the same and directing the respondent s to grant 28 days ordinary leave without escort instead of with escort for the



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petitioner's son namely, Dheena @ Dinesh S/o.Balan, aged about 32 years,
Convict No.4753, Convict Prisoner, Central Prison, Puzhal.

For Petitioner : Mrs.S.Nadhiya
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

The rejection of leave application in proceedings dated 04.11.2024 is under challenge in the writ petition.

2.The respondents have granted ordinary leave for 28 days to the prisoner with escort.

3.The learned counsel for the petitioner would submit that the family of the petitioner is not in a position to meet out the escort expenditures and therefore, the present writ petition came to be instituted.

4.The Superintendent of Prisons addressed a letter to the learned



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Additional Public Prosecutor vide letter dated 02.12.2024 stating that the prisoner has not committed any prison offence during his conviction period.

The conduct of the prisoner inside the Prison premises is satisfactory.

5. Taking note of the fact that the prisoner is in actual imprisonment for more than nine years, we are inclined to consider the present writ petition. Accordingly, the impugned order dated 04.11.2024 stands modified and the prisoner is granted ordinary leave for 28 days without escort, on the following conditions:

- (1) The respondents are directed to release the Convict Prisoner viz., Dheena @ Dinesh, S/o. Balan, aged about 32 years, confined at Central Prison, Puzhal, Chennai, on Ordinary Leave for a period of twenty eight (28) days without escort i.e., from 09.12.2024 to 05.01.2025.
- (2) The Convict Prisoner shall be released on 09.12.2024 at 10.00 A.M. and surrender before the Superintendent of Prisons, Central Prison, Puzhal, Chennai, on 05.01.2025 at 05.00 P.M.
- (3) The Convict Prisoner is directed to report before the Inspector of Police, H-6 R.K. Nagar Police Station, Chennai, twice in a week i.e., on every Monday and Thursday at 11.00 A.M, during the period of leave.



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(4) During the leave period, the Convict Prisoner shall abide by all the conditions prescribed in the Jail Manual.

(5) 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. With the above directions, this Writ Petition stands allowed. No costs.

[S.M.S., J.] [M.J.R., J.]
03.12.2024

Index : Yes/No
Neutral Citation : Yes/No
Speaking order / Non-speaking order

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To

- 1.The Deputy Inspector General of Prisons,
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- 2.The Superintendent,
Central Prison,
Puzhal,
Chennai – 600 066.
- 3.The Additional Public Prosecutor,
Madras High Court.



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M.JOTHIRAMAN, J.

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