



WEB COPY



W.P.No.35723 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.35723 of 2024

S.Thangam

... Petitioner

Vs.

1.The State represented by its,
Home Secretary,
Home Department,
Secretariat,
Fort St.George,
Chennai.

2.The Additional Director of General Police,
Whannels Road,
Egmore,
Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison,
Cuddalore District.

... 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 No.15249/Tha.Ku.2/2024 dated 04.10.2024, issued by the 3rd respondent and quash the same and consequently direct the respondents to grant parole for 30 days without escort to petitioner's son named Manikandan @ Kalaimalai, son of Subash (Convicted prisoner



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No.14935) aged 30 years, now confined in Central Prison, Cuddalore.

For Petitioner : Mr.K.Amirthalingam
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 by Superintendent of Prison in proceedings No.15249/Tha.Ku.2/2024 dated 04.10.2024, is sought to be assailed in the present writ proceedings.

2. The reason stated in the order impugned is that the prisoner was convicted under Section 397 IPC. However the prisoner is in actual imprisonment for about 10 years and his conduct inside the prison is found to be satisfactory.

3. The Probation Officer, in his report, has stated that the reasons assigned by the petitioner for grant of leave is true and he has recommended for ordinary leave to the convict prisoner.

4. In view of the favourable recommendation of the Probation Officer, we are inclined to invoke our powers under Article 226 of the Constitution of India, thereby granting required leave to the convict prisoner herein.



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5. At this juncture, learned Additional Public Prosecutor submitted that the convict prisoner herein is eligible to avail only 21 days of ordinary leave.

6. Accordingly, the convict prisoner viz., Manikandan @ Kalaimalai, son of Subash (Convicted prisoner No.14935) aged 30 years, now confined in Central Prison, Cuddalore, is hereby granted ordinary leave for a period of **21 days**, without escort commencing from **06.12.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Manikandan @ Kalaimalai, son of Subash (Convicted prisoner No.14935) aged 30 years, now confined in Central Prison, Cuddalore on Ordinary Leave for a period of **21 days i.e., from 06.12.2024 to 26.12.2024.**

(ii) The Convict Prisoner shall be released on **06.12.2024** at 10.00 am and surrender before the Central Prison, Cuddalore on **26.12.2024** at 05.00 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Viruthachalam Police Station, Cuddalore District twice in a week on Monday and Thursday at 10.30 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.

7. Accordingly, the writ petition stands allowed. No Costs.



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[S.M.S., J.]

[M.J.R., J.]

02.12.2024

Index: Yes/No

Speaking/Non-speaking order

gd

To

1. The Home Secretary,
Home Department,
Secretariat,
Fort St. George,
Chennai.

2. The Additional Director of General Police,
Whannels Road,
Egmore,
Chennai – 600 008.

3. The Superintendent of Prison,
Central Prison,
Cuddalore District.

4. The Public Prosecutor,
High Court of Madras.



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AND
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