



WEB COPY



W.P.No.36144 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM :

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

W.P.No.36144 of 2024

Ramani

... Petitioner

Vs.

1.The State represented by,
The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels Road,
Egmore, Chennai – 600 008.

3.The Superintendent of Prisons,
Central Prison-1,
Puzhal, Chenna – 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 in the order date on 10.11.2024 bearing no. 405830 / tha.ku.2/2024 passed by respondent no.3 and quashing the same, and directing to grant 21 days ordinary leave by without escort for the Petitioner's son namely Prakash @ Desappan S/o Velankanni aged 32 years, Convict No. 8135, Convict



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Prisoner, Central prison 1, Puzhal- I.

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

ORDER

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

The order of rejection dated 10.11.2024, rejecting the leave application is sought to be set aside in the present Writ Proceedings.

2. The reasons stated in the impugned order is that other cases are pending against the petitioner. However, the Probation Officer in his report recommended the case of the petitioner for grant of ordinary leave and stated that the reasons stated in the leave application are found to be correct. The prisoner is in actual prison for about 5 years and 4 months.

3. 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.

4. At this juncture, learned Additional Public Prosecutor submitted



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that the convict prisoner herein is eligible to avail only 21 days of ordinary leave.

5. Accordingly, the convict prisoner viz., Prakash @ Desappan S/o Velankanni aged 32 years, Convict No. 8135, Convict Prisoner, Central prison 1, Puzhal- I, is hereby granted ordinary leave for a period of **21 days**, without escort commencing from **10.12.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Prakash @ Desappan S/o Velankanni aged 32 years, Convict No. 8135, Convict Prisoner, Central prison 1, Puzhal- I on Ordinary Leave for a period of **21 days i.e., from 10.12.2024 to 30.12.2024**. The prisoner shall appear before the trial Court in the pending case, which was posted for appearance on 11.12.2024.

(ii) The Convict Prisoner shall be released on **10.12.2024** at 10.00 am and surrender before the Central Prison-I, Puzhal, Chennai on **30.12.2024** at 05.00 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Ernavoor Police Station, Chennai twice in a week 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.



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6. Accordingly, the writ petition stands allowed. No Costs. Consequently, the connected Miscellaneous Petitions, if any, are closed.

[S.M.S., J.]

[M.J.R., J.]

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Index: Yes/No

Speaking/Non-speaking order

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To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2. The Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels Road,
Egmore, Chennai – 600 008.

3. The Superintendent of Prisons,
Central Prison-1,
Puzhal, Chenna – 600 066.

4. The Public Prosecutor,
High Court of Madras.



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