



W.P.No.36306 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2024

CORAM:

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

W.P.No.36306 of 2024

Dhanalakshmi

... Petitioner

Vs.

The State rep. by its,

1.The Secretary to Government of Tamil Nadu,
Home Department,
Fort St.George,
Chennai – 600 094.

2.The Deputy Inspector General of Prison,
Vellore Range,
Vellore Central Prison,
Vellore – 632 002.

3.The Superintendent,
Cuddalore Central Prison,
Cuddalore – 607 004.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order No.15973/Tha.Ku.2/2024 dated



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21.10.2024, issued by the 3rd respondent and quash the same and consecutively direct the respondents to grant ordinary leave of 30 days without escort to the detenu, Jothi, S/o.Kovindasamy, aged about 59 years, CT.No.17014, confined at Central Prison, Cuddalore.

For Petitioner : Dr.S.Manoharan

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 in the impugned order dated 21.10.2024 is sought to be set aside in the present Writ Petition.

2. The order impugned in this petition reveals that since an SLP(Crl.No.011241/2022) is pending before the Hon'ble Supreme Court, the convict prisoner is not eligible for grant of leave and hence, the leave application was rejected.



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3. The Probation Officer in his report dated 05.12.2024 stated that the reason assigned by the convict prisoner in his leave application is correct. The Prison Authorities informed that there is no misconduct noticed in the behaviour of the convict prisoner inside the prison.

4. Taking note of the above facts and circumstances, we are inclined to grant **21 days** ordinary leave to the convict prisoner.

5. Accordingly, the Writ Petition stands allowed and the impugned order dated 21.10.2024 passed in No.15973/Tha.Ku.2/2024 is set aside. Consequently, the convict prisoner viz., Jothi, aged about 59 years, S/o.Kovindasamy, bearing Convict No.17014, confined at Central Prison, Cuddalore, is hereby granted ordinary leave for a period of **21 days**, without escort commencing from **11.12.2024** on the following conditions:-

(i) Respondents are directed to release the Convict Prisoner viz., Jothi, aged about 59 years, S/o.Kovindasamy, bearing Convict No.17014, confined at Central Prison, Cuddalore,, for a period of **21 days, i.e., from 11.12.2024 till 31.12.2024.**



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(ii) The Convict Prisoner shall be released on **11.12.2024** at 10.30 A.M. and surrender before the Jail Authority on **31.12.2024** at 05.30 P.M. During the period of leave, the convict prisoner shall report before the jurisdictional Police i.e. Viruthachalam Police Station, Cuddalore District, twice a week on Mondays and Thursdays at 11.00 a.m.

(iii) 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.

No costs.

(S.M.S, J.)

(M.J.R, J.)

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Index: Yes

Internet: Yes/No

Speaking order/Non-speaking order

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To

1.The Secretary to Government of Tamil Nadu,
Home Department,
Fort St.George,
Chennai – 600 094.

2.The Deputy Inspector General of Prison,
Vellore Range,
Vellore Central Prison,
Vellore – 632 002.

3.The Superintendent,
Cuddalore Central Prison,
Cuddalore – 607 004.

4.The Public Prosecutor,
High Court of Madras,
Chennai.



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and
M.JOTHIRAMAN, J.

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