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W.P.No.36627 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.36627 of 2024

Rajeishwari

... Petitioner

Vs.

The State represented by its

1.The Deputy Inspector General of Prisons,
Coimbatore Zone,
Coimbatore.

2.The Superintendent of Prison,
Salem Central Prison,
Salem.

... 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.17675/Tha.Ku-3/2024 dated 30.08.2024 passed by the second respondent and quash the same and consequently direct the first respondent to grant ordinary leave for 30 days

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without escort to the detenue, Devaraj, S/o.Raja, aged about 29 eyars old,
Convict Prisoner, Convict No.9796 from Central Prison, Salem.

For Petitioner : Mr.S.Pandiyan

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 30.08.2024 is under challenge in the present writ proceedings.

2.The impugned order states that the leave was rejected on the ground that Criminal Appeal is pending before the High Court. Pendency of an appeal cannot be a ground to reject the leave application.

3.The learned Additional Public Prosecutor would submit that the Probation Officer has not recommended for grant of ordinary leave to the prisoner on the ground that the reason stated in the leave application is



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incorrect.

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4.The reason stated in the leave application is that the presence of the prisoner is required for improving livelihood of the family of the prisoner. Such general reasons provided may not be strictly construed since an opportunity is to be provided to such prisoners to meet the family which would be of greater assistance for their reformation.

5.Taking note of the facts and circumstances, we are inclined to consider the present petition. Consequently, the impugned order passed by the second respondent dated 30.08.2024 is quashed and permit the petitioner to avail 21 days Ordinary Leave on the following conditions:

- (1)The respondents are directed to release the Convict Prisoner viz.,Devaraj, S/o.Raja, aged about 29 years, confined at Central Prison, Salem, on Ordinary Leave for a period of twenty one (21) days without escort i.e., from 13.12.2024 to 02.01.2025.
- (2)The Convict Prisoner shall be released on 13.12.2024 at 10.00 A.M. and surrender before the Superintendent of Prisons, Central Prison-I, Puzhal, Chennai, on 02.01.2025 at 05.00 P.M.
- (3)The Convict Prisoner is directed to report before the Inspector of



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Police, Salem Town Police Station, Salem, twice in a week i.e., on every Monday and Thursday at 11.00 A.M, during the period of leave.

- (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.]
09.12.2024

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

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To

- 1.The Deputy Inspector General of Prisons,
Coimbatore Zone,
Coimbatore.
- 2.The Superintendent of Prison,
Salem Central Prison,
Salem.
- 3.The Additional Public Prosecutor,
Madras High Court.



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AND
M.JOTHIRAMAN, J.

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