



WEB COPY



W.P.No.36681 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2024

CORAM:

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

W.P.No.36681 of 2024
and W.M.P.No.39579 of 2024

Bharathy

... Petitioner

Vs.

The State rep. by its,
1.The Deputy Inspector General of Prisons,
Coimbatore Range, Coimbatore.

2.The Superintendent,
Coimbatore Central Prison,
Coimbatore.

... 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 bearing No.16093/Tha.Ku-3/2024, dated 21.11.2024 passed by the 2nd respondent and quash the same and consecutively direct the 1st respondent to grant ordinary leave for 30 days without escort to the detenu, Seenivasan, S/o.Chandirasekar, aged about 32 years old, convict prisoner, PID No.22944 from Central Prison, Coimbatore.



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For Petitioner : Mr.S.Pandiyan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The impugned order dated 21.11.2024, rejecting the leave application, is under challenge in the present Writ Petition.

2. The Probation Officer in his report dated 22.10.2024 stated that the reason assigned in the leave application seeking ordinary leave is not based on actual facts and therefore, the reason stated in the leave application was found to be wrong. Pertinently, the Probation Officer has made a finding that there is a likelihood of escape since the prisoner is native of Andhra Pradesh.

3. When there is a specific apprehension expressed by the Probation Officer and the reason stated in the leave application is also found to be wrong, we are not inclined to consider the present petition.



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4. Accordingly, this Writ Petition stands dismissed. No costs.

Connected miscellaneous petition is closed.

(S.M.S, J.)

(M.J.R, J.)

13.12.2024

Index: Yes/No

Speaking order/Non-speaking order

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To

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

2.The Superintendent,
Coimbatore Central Prison,
Coimbatore.

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



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S.M.SUBRAMANIAM, J.
and
M.JOTHIRAMAN, J.

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