



WEB COPY



W.P.No.37236 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.37236 of 2024

Maheesha Banu

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai – 600 008.

2.The Superintendent of Prisons,
Central Prison,
Puzhal, Chennai- 600 066.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, Calling for the records in the order dated on 20.11.2024 bearing No.464217/Tha.Ku.2/2024 passed by respondent No. 2 and quashing the same, and directing the respondents to grant 21 days ordinary leave by without escort to the petitioner namely Abdul Haleem, S/o Lukman Hakeem,



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aged about 46 years, Convict No. 10924, Convict Prisoner, Central Prison-1, Puzhal .

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, rejecting the Leave Application is under challenge in the present writ petition.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The Convict Prisoner is in actual imprisonment for about two years and ten months, out of 4 ½ years sentence. The Probation Officer recommended the case of the Convict Prisoner for grant of Ordinary Leave. There is no allegation against the Convict Prisoner inside the Prison and his conduct is found to be satisfactory by the Prison authorities.

4. Considering the fact that the prisoner is in actual imprisonment for 2



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years and 10 months and there is no adverse conduct noticed by the Probation Officer, we are inclined to consider the present petition. Consequently, the impugned order passed by the Superintendent of Prisons / 2nd respondent bearing No.464217/Tha.Ku.2/2024 dated 20.11.2024 is quashed and permit the petitioner to avail twenty one (21) days Ordinary Leave without escort, on the following conditions;

- (1) The respondents are directed to release the Convict Prisoner viz., Abdul Haleem, S/o.Lukman Hakeem, aged about 46 years bearing Convict No.10924, confined at Central Prison-I, Puzhal on Ordinary Leave for a period of twenty one (21) days without escort commencing from 23.12.2024.
- (2) The Convict Prisoner shall be released on 23.12.2024 at 10.00 A.M. and surrender before the Superintendent of Prisons, Central Prison-I, Puzhal, Chennai, on 12.01.2025 at 05.00 P.M.
- (3) The Convict Prisoner shall appear before the Inspector of Police, N-1, Royapuram Police Station, Chennai, 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.



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(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.]

16.12.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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To

1. The Deputy Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai – 600 008.

2. The Superintendent of Prisons,
Central Prison,
Puzhal, Chennai- 600 066.

3. The Additional Public Prosecutor,
Madras High Court.



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M.JOTHIRAMAN, J.

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