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W.P.No.37712 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM :

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

W.P.No.37712 of 2024

Selvam

... Petitioner

Vs.

1. The State By
The Secretary To Government ,
Home, Prohibition And Excise Department
Secretariat, Chennai-600 009

2 The Deputy Inspector General of Prisons,
Gandhi Irwin Road , Egmore
Chennai-600 008

3 The Superintendent Of Prisons
Central Prison, Puzhal, Chennai-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 dated on 28.11.2024 bearing No.473884/tha.ku.2/2024 passed by respondent no.3 and quashing the same and directing the respondents to grant 28 days ordinary leave to the petitioner, namely, Selvam S/o.Kumarasamy Nainar, aged about 54 years, Convict No.6447, convict prisoner , Central prison, puzhal.

For Petitioner

: Mrs. S. Nadhiya



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For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor
ORDER

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

The rejection of leave passed by the 3rd respondent in No.473884/tha.ku.2/2024 dated 28.11.2024 is under challenge in the present writ proceedings.

2. The respondents rejected the leave application on the ground that the prisoner was convicted under Section 392 r/w. 397 IPC.

3. The learned Additional Public Prosecutor would oppose by stating that the Probation Officer has not recommended the case of the prisoner for grant of ordinary leave on the ground that the reason stated in the leave application is incorrect. The prisoner has stated that he has to renovate his house for better living of his family. Probation Officer has found that the said reason is incorrect as the house belongs to the prisoner is not in dilapidated or bad condition.

4. The fact remains that the prisoner is in actual imprisonment for about 11 years. Earlier he availed 15 days ordinary leave as per the orders of the High Court in W.P.No.18552 of 2024 dated 23.07.2024 leave was granted from 30.07.2024 to 13.08.2024.



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5. Considering the fact that the prisoner is in actual imprisonment for about 10 years 10 months and 22 days, we are inclined to consider the present petition.

6. Accordingly, the impugned order passed by the 3rd respondent dated 28.11.2024 is quashed and the convict prisoner viz., Selvam S/o. Kumarasamy Nainar, aged about 54 years, Convict No.6447, convict prisoner, Central prison, Puzhal, Chennai, is hereby granted ordinary leave for a period of 21 days, without escort commencing from **24.12.2024** on the following conditions:-

(i) Respondents are directed to release the Convict Prisoner viz., Selvam S/o. Kumarasamy Nainar, aged about 54 years, Convict No.6447, convict prisoner, Central prison, puzhal, Chennai on Ordinary Leave for a period of **21 days i.e., from 24.12.2024 to 13.01.2025.**

(ii) The Convict Prisoner shall be released on **24.12.2024** at 10.00 am and surrender before the Central Prison, Puzhal, Chennai, on **13.01.2025** at 05.00 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Maruvathur Police Station, Perambalur District, twice in a week, i.e., on Monday and Thursday at 11.00 a.m., during the period of leave.



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(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.

5. Accordingly, the writ petition stands allowed. No Costs.

[S.M.S., J.]

[M.J.R., J.]

18.12.2024

Index: Yes/No

1/2

Speaking/Non-speaking order

mrp

To

1. The Secretary To Government ,
Home, Prohibition And Excise Department
Secretariat, Chennai-600 009
- 2 The Deputy Inspector General of Prisons,
Gandhi Irwin Road , Egmore
Chennai-600 008
- 3 The Superintendent Of Prisons
Central Prison, Puzhal, Chennai-600 066
- 4.The Public Prosecutor,
High Court of Madras.

S.M.SUBRAMANIAM, J.



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