



WEB COPY



W.P.No.37820 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.37820 of 2024

Radha

... Petitioner

Vs.

1. The State Repby Its
The Deputy Inspector General Of Prison
Coimbatore Range Coimbatore-641 018

2 The Superintendent,
Coimbatore Central Prison,
Coimbatore-641 018

... 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.20913/Tha.Ku.3/2024 dated 26.11.2024 passed by the 2nd respondent and quash the same and consequently direct the 1st respondent to grant ordinary leave for 30 days without escort to the detenue, Babu S/o.Kesavan aged about 38 years, bearing Convict PID No.52159 confined at Central prison, Coimbatore.

For Petitioner : Mrs. S. Pandiyan

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



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ORDER

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The rejection of leave application issued in proceeding No.20913/Tha.Ku.3/2024 dated 26.11.2024 is sought to be assailed in the present writ proceedings.

2. The prisoner is in actual imprisonment for 8 years 2 months 29 days and therefore, he is eligible to avail ordinary leave for 28 days.

3. The learned Additional Public Prosecutor would oppose by stating that police report has not been obtained. However, the Probation Officer has partially recommended the case of the prisoner for grant of leave.

4. That apart, the prisoner availed ordinary leave for 15 days without escort from 27.11.2023 to 11.12.2023 as per the order of this Court dated 11.12.2023 in W.P.No.32729 of 2023.

5. Accordingly, the impugned order passed by the second respondent in No.20913/Tha.Ku.3/2024 dated 26.11.2024 is quashed and the convict prisoner viz., Babu S/o.Kesavan aged about 38 years, bearing Convict PID No.52159 confined at Central prison, Coimbatore, is hereby granted ordinary leave for a period of 28 days, without escort commencing from **24.12.2024** on the following conditions:-



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(i) Respondents are directed to release the Convict Prisoner viz., Babu S/o.Kesavan aged about 38 years, bearing Convict PID No.52159 confined at Central prison, Coimbatore on Ordinary Leave for a period of **28 days i.e., from 24.12.2024 to 20.01.2025.**

(ii) The Convict Prisoner shall be released on **24.12.2024** at 10.00 am and surrender before the Central Prison, Coimbatore, on **20.01.2025** at 05.00 p.m.

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

(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.

6. 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



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S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

mrp

To

1. The Deputy Inspector General Of Prison
Coimbatore Range Coimbatore-641 018
- 2 The Superintendent,
Coimbatore Central Prison,
Coimbatore-641 018
3. The Public Prosecutor,
High Court of Madras.

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