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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.38021 of 2024

Prema ... Petitioner

Vs.

1. The State represented by its,
   The Deputy Inspector General of Prisons,
   Gandhi Irwin Road , Egmore
   Chennai-600 008

2. The Superintendent,
   Puzhal Central Prison-I, Puzhal-600 066 ... 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 connected with Impugned order in Proceeding No. 327375 /Tha.Ku.2 / 2024 dated 26.11.2024 passed by the Second Respondent and quash the same and directing the respondents to grant ordinary leave for 21 days without escort to the detenue, Cheni S/o.Munusamy, aged about 41 years, bearing Convict No.8270 confined at central prison, Puzhal.

For Petitioner : Ms. S. Sadhana

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

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ORDER

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

The rejection of leave passed by the 2nd respondent in No. 327375/Tha.Ku.2/2024 dated 26.11.2024 is under challenge in the present writ proceedings.

2. The respondents have already granted ordinary leave to the prisoner taking note of his good conduct inside the prison and the eligibility. However, the leave was granted with escort, thus the present writ petition came to be instituted.

3. The prisoner is in actual imprisonment for 4 years 2 months and 15 days. The Probation Officer had recommended the case of the prisoner for grant of ordinary leave. The prisoner is in open air jail and taking note of the facts and circumstances, we are inclined to consider the present petition.

4. Accordingly, the impugned order passed by the 2nd respondent Proceeding No. 327375/Tha.Ku.2/2024 dated 26.11.2024 stands modified to the extent that ordinary leave of 21 days is granted without escort and convict prisoner viz.,Cheni S/o.Munusamy, aged about 41 years, bearing Convict No.8270, confined at Central prison, Puzhal, Chennai, is hereby granted ordinary leave for a period of 21 days, without escort commencing from

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24.12.2024 on the following conditions:-

(i) Respondents are directed to release the Convict Prisoner viz., Cheni S/o.Munusamy, aged about 41 years, bearing Convict No.8270 confined at 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, T2 Chrompet Police Station, Chennai, 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.

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

[S.M.S., J.] [M.J.R., J.]

18.12.2024

Index: Yes/No
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 Prisons,
   Gandhi Irwin Road , Egmore
   Chennai-600 008

2. The Superintendent,
   Puzhal Central Prison-I, Puzhal-600 066

3. The Public Prosecutor,
   High Court of Madras.

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