



W.P.No.772 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.772 of 2025

Shenbagavalli
W/o Devaraj

.. Petitioner

v.

1. The Deputy Inspector General of Prison
Thaalamuthu Natarajan Maligai
Gandhi Irwin Road, Egmore
Chennai 600 008

2. The Superintendent of Prison
Vellore Central Prison
Thorapadi, Vellore

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in No.10339/TK1/2024 dated 24.12.2024 passed by the 2nd respondent and quash the same and grant of 30 days ordinary leave without escort to the convict prisoner Suresh, S/o.Devaraj bearing Convict PID No.314579 confined in Vellore Central Prison.

For Petitioner :: Mr.M.R.Thangavel



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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 prisoner is in actual imprisonment for four years and one month. The leave application submitted by the prisoner was rejected on the ground that the appeal is pending before the High Court. Pendency of appeal is not a ground to reject the leave application, since Rule 35 stipulates that pending trial is a bar for considering the leave application under the Tamil Nadu Suspension of Sentence Rules. Thus, there is no impediment for the authorities to grant leave during the pendency of an appeal before the appellate Court. The Probation Officer has recommended the case of the prisoner. Since the prisoner maintained good conduct inside the prison for four years, we are inclined to pass the following order:-

- (i) The impugned order passed by the second respondent dated 24.12.2024 is set aside.
- (ii) The prisoner, namely, Suresh, S/o Devaraj, Convict No.3897 (PID No.314579), is granted 21 days ordinary leave without escort.
- (iii) The leave shall commence from 31.01.2025 10.30 A.M., and the



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prisoner shall surrender before the second respondent by 5.30 P.M.,
on 20.02.2025.

(iv)The prisoner shall appear before the Takkolam Police Station,
Ranipet District twice in a week i.e., on every Monday and Thursday
at 11.00 A.M. during the period of leave.

The writ petition stands allowed on the above terms. No costs.

Index : yes/no
Neutral citation : yes/no

(S.M.S.,J.) (M.J.R.,J.)
27.01.2025

ss

To

1. The Deputy Inspector General of Prison
Thaalamuthu Natarajan Maligai
Gandhi Irwin Road, Egmore
Chennai 600 008

2. The Superintendent of Prison
Vellore Central Prison
Thorapadi, Vellore

3. The Inspector of Police
Takkolam Police Station
Ranipet District

4. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

SS

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