



W.P.No.738 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

and

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.738 of 2025

Velankanni

... Petitioner

Vs.

1.The State represented by its
The Deputy Inspector General of Prison
Vellore Range
Vellore 632 002

2.The Superintendent
Central Prison
Cuddalore 607004

... 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 dated 09.12.2024 in proceeding No.18629/Tha.Ku.2/2024 passed by the second respondent and quash the same and directing the respondents to grant ordinary leave for 40 days without escort to the detenu. Karunanithi, S/o.Manoharan, aged about 55 years bearing Convict No.15157, (PID No.585) confined at



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Central Prison, Cuddalore.

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For Petitioner : M/s.S.Sadhana
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

M.S.RAMESH, J.
AND
N.SENTHILKUMAR, J.

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, to call for the records connected with impugned order dated 09.12.2024 in proceeding No.18629/Tha.Ku.2 /2024 passed by the second respondent and quash the same and directing the respondents to grant ordinary leave for 40 days without escort to the detenu. Karunanithi, S/o.Manoharan, aged about 55 years bearing Convict No.15157, (PID No.585) confined at Central Prison, Cuddalore.

2. The learned counsel for the petitioner submitted that the petitioner is the wife of the convict prisoner. Their children got married and settled separately. The petitioner is taking care of her mother in law



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who is suffering from heart attack. The petitioner needs financial assistance from the life convict to support his mother who is aged and having many old age ailments. The mother of the prisoner who is sick wants to see her son and stay with him for sometime. Hence a representation was sent to the respondents on 05.12.2024 which was rejected vide impugned order dated 09.12.2024 citing that there are cases pending against the petitioner.

3. Learned Additional Public Prosecutor has produced a report of the Probation Officer dated 23.01.2025, wherein the probation officer has stated since the petitioner is having pending cases before the Supreme Court, he is not entitled for any leave. He has also stated that if the prisoner is granted any leave, the same can be granted with strong police escort. He has also stated that the prisoner was earlier granted 28 days ordinary leave from 29.06.2024 to 27.07.2024 as per the order of this Court in W.P.No.15258 of 2024 dated 27.06.2024.

4. It is seen from the records that the petitioner's representation was rejected by the jail authorities vide its order dated 09.12.2024 on the ground SLP (Crl)No.001671 of 2012 in Crl.A.No.001078 of 2012 is



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pending against the prisoner. Since the Probation Officer has recommended for grant of ordinary leave to the convict prisoner with strong police escort, we are inclined to grant 10 days leave to the convict prisoner.

5. This Writ Petition stands allowed accordingly. The impugned proceedings of the 2nd respondent dated 09.12.2024 is hereby quashed. Consequently, there shall be a direction to the respondents herein, to grant 10 days ordinary leave **“with minimum escort”** to the life convict viz. Karunanithi, S/o.Manoharan, aged about 55 years, Life Convict No.15157, commencing from 28.02.2025 to 09.03.2025, with a condition that the life convict shall report before the Shankar Nagar Police Station, daily at 10.30 a.m. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 10.03.2025 before 10.00 a.m.

The prisoner shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities.

6. With the above direction, the Writ Petition stands allowed. No



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

[N.S, J.]

19.02.2025

Index : Yes / No
Neutral Citation

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Note: Issue Order Copy on 26.02.2025

To.

The Deputy Inspector General of Prison
Vellore Range
Vellore 632 002

2.The Superintendent
Central Prison
Cuddalore 607004

3.The Public Prosecutor
High Court of Madras
Chennai

M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

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