



WEB COPY



W.P.No.1902 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2025

CORAM :

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

W.P.No.1902 of 2025

K.Susila

.. Petitioner

v.

1. The State of Tamil Nadu
rep. by its Secretary to Government
Home Department
Secretariat, Fort St.George
Chennai 600 009

2. The Deputy Inspector General of Police
Trichy Range, Vellore
Vellore 632 002

3. The Superintendent
Cuddalore Central Prison
Cuddalore 607 003
Cuddalore District

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for records of the impugned order passed by the 3rd respondent dated 02.01.2025 in No.I/140287/2025 and quash the same and consequently direct the



W.P.No.1902 of 2025

respondents to grant ordinary leave for 30 days without escort to G.Kanthavel, Son of Govindhasamy, aged about 56 years, Life Convict No.17013 detained at Central Prison, Cuddalore.

For Petitioner :: Mr.K.Balu

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

ORDER

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

W.M.P.No.2184 of 2025 seeking to dispense with the production of the original impugned order, stands ordered.

2. The rejection of leave application in proceeding dated 02.01.2025 is sought to be assailed in this writ petition. The reason stated in the impugned order is that the appeal filed by the prisoner is pending before the Supreme Court of India. Mere pendency of appeal cannot be a ground to reject the leave application, if the prisoner is otherwise eligible under the Suspension of Sentence Rules. The Probation Officer submitted a report stating that the conduct of the prisoner is satisfactory and accordingly recommended for grant of ordinary leave. Therefore, this Court is inclined



W.P.No.1902 of 2025

to pass the following order:-

WEB COPY

- (i) The impugned order passed by the third respondent dated 02.01.2025 is set aside.
- (ii) The prisoner, namely, Kanthavel, S/o Govindhasamy, Convict No.17013 (PID No.370173) is granted 21 days ordinary leave without escort.
- (iii) The leave shall commence from 03.02.2025 10.30 A.M., and the prisoner shall surrender before the third respondent by 5.30 P.M., on 23.02.2025.
- (iv) The prisoner shall appear before the Vridhachalam Police Station, Cuddalore 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.)
29.01.2025

ss

To

1. The Secretary to Government
Home Department
Secretariat
Fort St.George
Chennai 600 009



W.P.No.1902 of 2025

2. The Deputy Inspector General of Police
Trichy Range, Vellore
Vellore 632 002

3. The Superintendent
Cuddalore Central Prison
Cuddalore 607 003
Cuddalore District

4. The Inspector of Police
Vridhachalam Police Station
Cuddalore District

5. The Public Prosecutor
High Court, Madras



WEB COPY



W.P.No.1902 of 2025

S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

SS

W.P.No.1902 of 2025

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