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W.P.No.2149 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.2149 of 2025
and W.M.P.No.2505 of 2025

Panjavarnam

...Petitioner/ wife of the detenue

Vs.

The State represented by its,
1.The Deputy Inspector General of Prison,
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 the impugned order dated 28.11.2024 in proceedings No.322979/Thaku2/2024 passed by the second respondent and quash the same and direct the respondents to grant ordinary leave for 40 days, without escort to the detenue, Karuppaiya, S/o.Ramaraj, aged about 60 years, bearing Convict No.84 (PID No.2581), confined at Central prison-I, Puzhal.



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W.P.No.2149 of 2025

For Petitioner : Ms.S.Sadhana
For Respondent : 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 to call for the records connected with the impugned order dated 28.11.2024 in proceedings No.322979/Thaku2/2024 passed by the second respondent and quash the same and direct the respondents to grant ordinary leave for 40 days, without escort to the detainee, Karuppaiya, S/o.Ramaraj, aged about 60 years, bearing Convict No.84 (PID No.2581), confined at Central prison-I, Puzhal.

2. Heard the learned counsel on either side and perused the documents.



W.P.No.2149 of 2025

3. The petitioner herein seeks for grant of 40 days of ordinary leave for her husband, without escort, on the ground that the petitioner has to undergo heart surgery and she requires the presence of her husband for arranging funds for the surgery and to take care of her.

4. The learned Additional Public Prosecutor produced a copy of the Probation Officer's report dated 07.10.2024, in which, the Probation Officer has not recommended for grant of leave since the reasons assigned by the petitioner is said to be false. He would submit that the prisoner is otherwise eligible for 28 days of ordinary leave.

5. Although the Probation Officer has not recommend for grant of leave, considering the medical requirement of the petitioner, we are inclined to grant leave for a period of 28 days in exercise of our powers under Article 226 of the Constitution of India.

6. Accordingly, the detenue viz., Karuppaiya, S/o.Ramaraj, aged about 60 years, bearing Convict No.84 (PID No.2581), confined at Central prison-I, Puzhal, is hereby granted leave for a period of 28 days,



W.P.No.2149 of 2025

without escort, commencing from 10.00 am on 21.02.2025 to 5 pm of 20.03.2025. On expiry of the ordinary leave, the detenu shall surrender before the prison authorities. During the period of leave, the prisoner shall report before the Inspector of Police, Allinagaram Police Station, Theni, daily at 05.00 p.m. 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

7. Accordingly, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

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

07.02.2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

Anu

Note: Issue Order Copy on 20.02.2024
Upload the order copy forthwith



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W.P.No.2149 of 2025

To

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

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

3.The Inspector of Police,
Allinagaram Police Station, Theni

4.The Public Prosecutor,
High Court, Madras.



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