



WEB COPY



WP.No.2292 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.2292 of 2025

Mrs.V.K.Pooja

... Petitioner

Vs.

The State rep by its,
The Superintendent of Prisons,
Central Prison at Salem,
Hasthampatti, Salem – 636 007.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining with an impugned order in No.28021/tha.ku.3/2024 dated 11.12.2024 passed by the respondent quash the same and consequently direct the respondent to grant 21 days leave without escort to the father of petitioner/convict namely Mr.Kannan S/o. Veerichettiyar (PID No. 314971) and may pass.



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For Petitioner : Mr.M.Mohamed Saifulla
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The present writ petition has been filed to quash the impugned order in No.28021/tha.ku.3/2024 dated 11.12.2024 passed by the respondent and to direct the respondent to grant 21 days leave without escort to the father of petitioner/convict namely Mr.Kannan S/o. Veerichettiyar (PID No. 314971)

2. The Leave application submitted on behalf of the Convict Prisoner was rejected on the ground that the appeal is pending. Mere pendency of the appeal is not a ground to reject the leave application. The Convict Prisoner is in actual imprisonment for about 3 years and 9 months.

3. The learned Additional Public Prosecutor made a submission that the conduct of the Convict Prisoner inside the prison is found to be satisfactory and hence, the Probation Officer recommended the case of the Convict Prisoner for grant of ordinary leave.



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4. Since the Convict Prisoner has already undergone 3 years and 9 months of imprisonment, we are inclined to quash the rejection order in No.28021/tha.ku.3/2024 dated 11.12.2024 passed by the respondent and permit the Convict Prisoner to avail twenty one (21) days Ordinary Leave without escort on the following conditions;

- (1) The respondent is directed to release the Convict Prisoner viz., Kannan S/o. Veerichettiyar (PID No. 314971), aged about 54 years, Convict No.9921, confined at Central Prison, Salem, on Ordinary Leave for a period of twenty one (21) days without escort commencing from 05.02.2025 to 25.02.2025.
- (2) The Convict Prisoner shall be released on 05.02.2025 at 10.00 A.M. and surrender before the Superintendent of Prisons, Central Prison, Salem, on 25.02.2025 at 05.00 P.M.
- (3) The Convict Prisoner is directed to report before the Kondalampatti Police Station, Salem District, twice in a week i.e., on every Monday and Tuesday on at 10.30 A.M, during the period of leave.
- (4) During the leave period, the Convict Prisoner shall abide by all the conditions prescribed in the Jail Manual.



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(5) 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. With these conditions, the writ petition stands allowed. No costs.

[S.M.S., J.]

[M.J.R., J.]

31.01.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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To

1. The Superintendent of Prisons,
Central Prison at Salem,
Hasthampatti, Salem – 636 007.

2. The Additional Public Prosecutor,
Madras High Court.



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