



W.P.No.3197 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

and

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.3197 of 2025
and W.M.P.No.3537 of 2025

K.Sivathy

... Petitioner

Vs.

The State represented by its

1.The Secretary to Government of Tamilnadu

Department of Home

Fort St. George

Chennai 600 009

2.The Deputy Inspector General of Prison

Chennai Range

Egmore

Chennai 600 008

3.The Superintendent

Puzhal-I, Central Prison

Chennai 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 pertaining to the impugned order bearing No.616246/



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Tha.Ku.2/2024, dated 02.01.2025 passed by the 3rd respondent and quash the same and consequently direct the respondents to grant ordinary leave for 2 months without escort to the detenu Kamalanandha, D/o.Rasanayagam, aged about 74 years, Convict No.4220, confined at Central Prison, Puzhal 1.

For Petitioner : Ms.K.Akshaya

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 pertaining to the impugned order bearing No.616246/ Tha.Ku.2/2024, dated 02.01.2025 passed by the 3rd respondent and quash the same and consequently direct the respondents to grant ordinary leave for 2 months without escort to the detenu viz. Kamalanandha, S/o.Rasanayagam, aged about 74 years, Convict No.4220, confined at Central Prison, Puzhal 1.

2. The learned counsel for the petitioner submitted that the

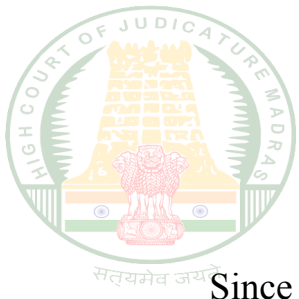


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petitioner's father is aged about 75 years and is in prison for more than 30 years. As he is suffering from high blood pressure, asthma, heart disease and he is also suffering from diabetes and kidney problems. Due to old age ailments his eyes are also affected. The convict prisoner is also having sores in the place of urination and he cannot walk alone and in need of someone to do his routine work. The condition of the petitioner's father is also deteriorating day by day. Hence, a representation dated 23.12.2024 was sent to the respondents seeking for a grant of two months ordinary leave to the prisoner to have proper treatment and nutritious food. The representation sent by the petitioner was rejected by the 3rd respondent vide impugned order No.616246/Tha.Ku.2/2024, dated 02.01.2025.

3. Learned Additional Public Prosecutor has produced a report of the Probation Officer dated 07.01.2025, which is in favour of the life convict and at the same time the Probation Officer has stated that as per Clause 21(1) of Tamil Nadu Suspension of Sentence Rules 1982 as amended in G.O.(MS) No.205, Home (Prison V) Department dated 25.04.2022, convicted foreigners are not eligible for ordinary leave.



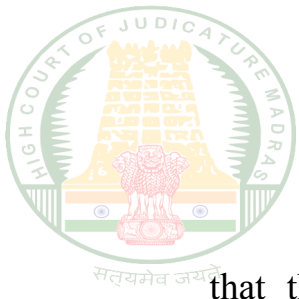
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Since the said prisoner is a Sri Lankan national, the said prisoner is not eligible for ordinary leave.

4. It is also seen from the report that this Court has granted 40 days leave vide W.P.No.27756 of 2023 dated 27.09.2023 from 01.10.2023 to 10.11.2023 and later the same was extended by another 15 days from 11.11.2023 to 24.11.2023, and again it was extended by another 3 days from 24.11.2023 to 27.11.2023 and thereafter the convict prisoner was granted 30 days leave by this Court vide W.P.No.14159 of 2024 dated 07.06.2024 from 13.06.2024 to 12.07.2014. Since the Probation Officer has recommended for grant of ordinary leave to the convict prisoner, we are inclined to grant 10 days leave to the convict prisoner.

5. This Writ Petition stands allowed accordingly. The impugned proceedings of the 3rd respondent dated 02.01.2025 is hereby quashed. Consequently, there shall be a direction to the respondents herein, to grant 10 days ordinary leave “*without escort*” to the life convict namely Kamalanandha, S/o.Rasanayagam, aged about 74 years, Life Convict No.4220, commencing from 26.02.2025 to 07.03.2025, with a condition



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that the life convict shall report before the jurisdictional Police i.e. Manikandam Police Station, Tiruchirappalli daily at 10.30 a.m. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 08.03.2025 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 costs. Consequently, the connected miscellaneous petition is closed.

[M.S.R, J.]

[N.S, J.]

18.02.2025

Index : Yes / No
Neutral Citation

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Note: Issue Order Copy on 24.02.2025



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

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To

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

2.The Deputy Inspector General of Prison
Chennai Range
Egmore
Chennai 600 008

3.The Superintendent
Puzhal-I, Central Prison
Chennai 600 066

4.The Public Prosecutor
High Court of Madras
Chennai

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