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W.P.No.3528 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.3528 of 2025
and W.M.P.No.3911 of 2025

Balaji, (M/25),
S/o.Sivagurunathan,
CT.No.10307 and PID No.306513,
Confined at Central Prison Puzhal-1,
Chennai – 600 066.

.. Petitioner

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-1,
Puzhal – 600 006.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order bearing No.494422/Tha.Ku-2/2024, dated: 20.11.2024, passed by the 2nd respondent and quash the same and consequently direction directing the 1st respondent to grant 28 days of



W.P.No.3528 of 2025

ordinary leave without escort to the detenue, Balaji, S/o.Sivagurunathan, aged about 25 years, convict prisoner, bearing Convict No.10307 and PID No.306513 confined at Central Prison, Puzhal-1.

For petitioner : Mr.M.Ezhilarasu
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted by
Mr.M.Sylvester John

ORDER

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

This Writ Petition has been filed challenging the impugned order dated 20.11.2024 of the 2nd respondent rejecting the representation of the petitioner seeking grant of ordinary leave to her husband.

2.The reasons assigned in the impugned order for rejecting the petitioner's request for grant of ordinary leave to the convict prisoner is that convict prisoner is not eligible for ordinary leave under Rule 35 of the Tamil Nadu Suspension of Sentence Rules, 1983, as the convict prisoner has another case pending against him. It further stated that the petitioner has not completed 3 years imprisonment and as per Rule 22(1)(c) of the Tamil Nadu Suspension of Sentence Rules, 1982, he is not eligible for ordinary leave.



WEB COPY

3.The learned counsel for the petitioner submitted that the petitioner's mother suffers from heart attack and to make arrangements to take care of the financial needs of his family and for medical treatment of his mother, he seeks for leave.

4.The learned Additional Public Prosecutor has produced the particulars of the life convict dated 11.02.2025 and also the report of the Probation Officer dated 27.11.2024. The Probation Officer in his report stated that the reason assigned by the petitioner seeking leave for him is genuine and hence, he has recommended for grant of ordinary leave to the convict prisoner with escort.

5.By taking into consideration the report of the Probation Officer, recommending for grant of leave, as well as the reasons assigned in the affidavit filed in support of this petition, we are inclined to grant 6 days of ordinary leave to the petitioner.

6.Accordingly, the impugned order dated 20.11.2024 bearing No.494422/Tha.Ku-2/2024, passed by the second respondent, is hereby



W.P.No.3528 of 2025

quashed. Consequently there shall be a direction to the respondents herein, to grant 6 days ordinary leave **“without escort”** to the petitione/life convict namely Balaji, S/o.Sivagurunathan, aged 25 years, Convict No.10307, Central Prison I, Puzhal, Chennai, commencing from **22.02.2025 to 27.02.2025**, with a condition that the life convict shall report before the jurisdictional Police i.e. P6 Kodungaiyur Police Station, Chennai, daily at 10.30 A.M. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on **27.02.2025** before 05.30 P.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.

7.With the above direction, the Writ Petition stands allowed.
Connected miscellaneous petition is closed. No costs.

(M.S.R., J) (N.S., J)

13.02.2025

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

NOTE : Issue order copy on 21.02.2025.



W.P.No.3528 of 2025

To

WEB COPY

- 1.The Deputy Inspector General of Prison,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.
- 2.The Superintendent,
Puzhal Central Prison-1,
Puzhal – 600 006.
- 3.The Inspector of Police,
P6 Kodungaiyur Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

M.S.RAMESH, J.

and



WEB COPY



W.P.No.3528 of 2025

N. SENTHILKUMAR, J.

krk

W.P.No.3528 of 2025

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