



W.P.No.4141 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

CORAM :

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

W.P.No.4141 of 2025
and W.M.P.No.4644 of 2025

Ealiya

...Petitioner/ the detenue

Vs.

1. The State Represented By Its
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 pertaining to the Impugned order bearing No. 620737 / Tha. Ku-2 / 2024, dated 20.01.2025, passed by the 2nd respondent and quash the same and consequently direct the 1st respondent to grant 28 days of ordinary leave, without escort to the detenue Ealiya, S/o Ramanayya, aged about 25 years, convict prisoner, bearing Convict No 10309 and PID No 306515 confined at Central Prison, Puzhal-1.



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For Petitioner : Mr.S.Pandiyan
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 pertaining to the Impugned order bearing No. 620737 / Tha. Ku-2 / 2024, dated 20.01.2025, passed by the 2nd respondent and quash the same and consequently direct the 1st respondent to grant 28 days of ordinary leave, without escort to the detenue Ealiya, S/o Ramanayya, aged about 25 years, convict prisoner, bearing Convict No 10309 and PID No 306515 confined at Central Prison, Puzhal-1.

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



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3. The petitioner herein seeks for grant of 28 days of ordinary leave, without escort, on the ground that the petitioner's mother has been advised by the doctor to undergo an eye surgery, for which he requires to be with his mother for arranging funds for the treatment. Further, the detainee has undergone 1 years, 8 months and 11 days of imprisonment.

4. The learned Additional Public Prosecutor produced a copy of the Probation Officer's report dated 24.01.2025, in which, the Probation Officer has recommended for grant of leave as the reasons assigned by the petitioner is said to be true. However, the convict prisoner is not eligible for ordinary leave since he has not completed 3 years of imprisonment.

5. Although the law enforcing agency has not recommended for grant of leave, considering the fact that the Probation Officer has recommended for grant of leave and that the convict prisoner has not availed leave even once, we are inclined to grant leave for a period of 7 days in exercise of our powers under Article 226 of the Constitution of India.



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6. Accordingly, the detenu viz., Ealiya, S/o Ramanayya, aged about 25 years, convict prisoner, bearing Convict No 10309 and PID No. 306515, is hereby granted leave for a period of 7 days, without escort, commencing from 10.00 am on 06.03.2025 to 5 pm of 12.03.2025. On expiry of the leave, the detenu shall surrender before the prison authorities. During the period of leave, the prisoner shall report before the Inspector of Police, H6 R.K Nagar Police Station Chennai, 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]

27.02.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Anu

Note: Issue Order Copy on 05.03.2025

Upload the order copy forthwith



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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,
H6 R.K Nagar Police Station Chennai

4.The Public Prosecutor,
High Court, Madras.



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and
N.SENTHILKUMAR, J.

Anu

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