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W.P.No.39457 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-04-2025

CORAM

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

WP No. 39457 of 2024

1. K.Murugaiyan
S/o.Late Kathirvel, Vadakarai Village,
Konur Post, Thittakudi Post,
Cuddalore District.

Petitioner(s)

Vs

1. The Director General Of Prison
O/o.Of Director General Of Prison,
Whanells Road, Egmore, Chennai District-
600 008.

2.The Deputy Director General Of Prison
O/o.Of Director General Of Prison,
Whanells Road, Egmore,
Chennai District- 600 008.

3.The Superintendent Of Prison
Central Prison Cuddalore, Cuddalore
District.

Respondent(s)



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PRAYER
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To call for the records in Proceedings vide No. 17597 /Tha.Ku.2 /2024 dated 14.11.2024 by the 3rd respondent and quash the same and further directed the respondent 1 to 3 to ordinary emergency leave 30 days without escort to the convict Prisoner namely Mr. Manikandan S/o.Murugaiyan CT No. 16892 now confined in 3rd respondent prison, for the purpose of for treatment of the petitioner wife in pursuant to petitioner representation dated 10.11.2024.

For Petitioner(s): Mr. P.Muthamizhselvakumar

For Respondent(s): Mr.A.Gokulakrishnan
Additional Public Prosecutor
Assisted by Mr.M.Sylvester
John

ORDER

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

On 17.02.2025, we had passed final orders granting 10 days ordinary leave with minimum escort commencing from 25.02.2025 to 06.03.2025, which order was modified on 04.03.2025.

2. Thereafter, since the order copy was not despatched, the Writ Petition has been listed today under the caption "for being spoken to".

3. Considering the submissions made on either side, the order dated 17.02.2025 shall be replaced as follows:-



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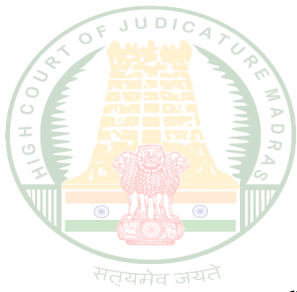
"This Writ Petition has been filed challenging the impugned order dated 14.11.2024, rejecting the representation of the petitioner dated 10.11.2024.

2. The only reason assigned in the impugned order for rejecting the petitioner's request for grant of ordinary leave to his son/life convict is that he has not completed one year after returning from his previous leave on 08.01.2024.

3. The learned counsel for the petitioner submitted that the petitioner has sought for ordinary leave for a period of 30 days for his son/life convict since he requires his presence to make arrangements for surgery of the petitioner's wife. The learned counsel further submitted that the life convict has completed one year after availing the previous leave.

4. The learned Additional Public Prosecutor has produced the particulars of the life convict dated 08.01.2025, as well as the report of the Probation Officer dated 06.01.2025. The Probation Officer, upon investigation, has stated in his report that the reason stated by the petitioner in his representation is not true and that he has also not produced any medical documents.

5. Considering the reason stated by the petitioner for seeking leave for his son/life convict, as well as the fact that the life convict has completed one year after the previous leave, we are inclined to consider the prayer sought for in this Writ Petition by invoking our powers under Article 226 of the Constitution of India.



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6. Accordingly, the impugned order dated 14.11.2024 passed in No.17597/Tha.Ku.2/2024 by the third respondent, is hereby quashed. Consequently, there shall be a direction to the respondents herein, to grant 10 days ordinary leave **with minimum escort** to the petitioner's son/life convict namely Manikandan, S/o.Murugaiyan, CT.No.16892, now confined at Central Prison, Cuddalore, commencing **from 16.04.2025 to 25.04.2025**. After expiry of the ordinary leave, the convict prisoner shall surrender before the Jail Authority on **26.04.2025 at 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.

7. With the above direction, the Writ Petition stands allowed. No costs."

(M.S.RAMESH J.) (N.SENTHILKUMAR J.)
03-04-2025

ASI

Note: Issue fresh order copy on or before 09.04.2025



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M.S.RAMESH J.
AND
N.SENTHILKUMAR J.

ASI

WP No. 39457 of 2024

03-04-2025



W.P.No.39457 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.39457 of 2024

K.Murugaiyan

... Petitioner

Vs.

1.The Director General of Prison,
O/o. The Director General of Prison,
Whannels Road, Egmore,
Chennai District – 600 008.

2.The Deputy Director General of Prison,
O/o. The Director General of Prison,
Whannels Road, Egmore,
Chennai District – 600 008.

3.The Superintendent of Prison,
Central Prison Cuddalore,
Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records in proceeding vide No.17597/Tha.Ku.2/2024 dated 14.11.2024 by the



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3rd respondent and quash the same and further direct the respondents 1 to 3 to ordinary emergency leave 30 days without escort to the convict prisoner namely Manikandan, S/o.Murugaiyan, CT.No.16892, now confined in 3rd respondent Prison, for the purpose of 'for treatment of the petitioner's wife' in pursuant to petitioner's representation dated 10.11.2024.

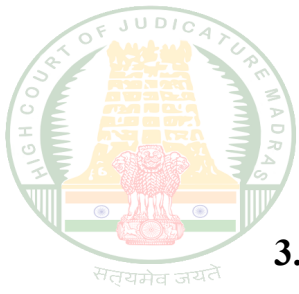
For Petitioner : Mr.P.Muthamizhselvakumar
For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

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

This Writ Petition has been filed challenging the impugned order dated 14.11.2024, rejecting the representation of the petitioner dated 10.11.2024.

2. The only reason assigned in the impugned order for rejecting the petitioner's request for grant of ordinary leave to his son/life convict is that he has not completed one year after returning from his previous leave on 08.01.2024.



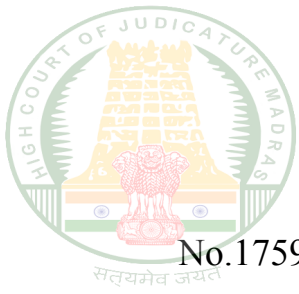
W.P.No.39457 of 2024

3. The learned counsel for the petitioner submitted that the petitioner has sought for ordinary leave for a period of 30 days for his son/life convict since he requires his presence to make arrangements for surgery of the petitioner's wife. The learned counsel further submitted that the life convict has completed one year after availing the previous leave.

4. The learned Additional Public Prosecutor has produced the particulars of the life convict dated 08.01.2025, as well as the report of the Probation Officer dated 06.01.2025. The Probation Officer, upon investigation, has stated in his report that the reason stated by the petitioner in his representation is not true and that he has also not produced any medical documents.

5. Considering the reason stated by the petitioner for seeking leave for his son/life convict, as well as the fact that the life convict has completed one year after the previous leave, we are inclined to consider the prayer sought for in this Writ Petition by invoking our powers under Article 226 of the Constitution of India.

6. Accordingly, the impugned order dated 14.11.2024 passed in



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No.17597/Tha.Ku.2/2024 by the third respondent, is hereby quashed.

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Consequently there shall be a direction to the respondents herein, to grant 10 days ordinary leave “*with minimum escort*” to the petitioner's son/life convict namely Manikandan, S/o.Murugaiyan, CT.No.16892, now confined at Central Prison, Cuddalore, commencing from **25.02.2025 to 06.03.2025**. After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on **06.03.2025** 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. No costs.

[M.S.R, J.]

[N.S, J.]

17.02.2025

Index: Yes/No

Speaking order/Non-speaking order

Sni

Note: Issue Order Copy on 24.02.2025.



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- To
- 1.The Director General of Prison,
O/o. The Director General of Prison,
Whannels Road, Egmore,
Chennai District – 600 008.
 - 2.The Deputy Director General of Prison,
O/o. The Director General of Prison,
Whannels Road, Egmore,
Chennai District – 600 008.
 - 3.The Superintendent of Prison,
Central Prison Cuddalore,
Cuddalore District.
 - 4.The Public Prosecutor,
High Court, Madras.



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

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17.02.2025