



W.P.No.38470 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.38470 of 2024

and

W.M.P.No.41662 of 2024

Larance

... Petitioner

Vs.

The State represented by

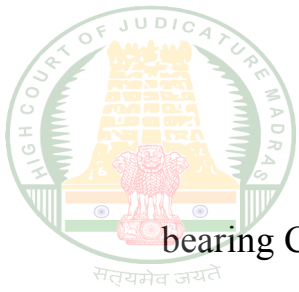
1.The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Vellore Range,
Vellore – 632 001.

3.The Superintendent,
Central Prison Vellore,
Vellore – 632 001.

... 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. 8256/taku3/2024 dated 02.10.2024 passed by the 3rd respondent and quash the same and consecutive direct the 3rd respondent to grant ordinary leave for 45 days without escort to the detinue, Gabriel S/o.Devasagayam aged about 56 years convict prisoner,



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bearing Convict No. 3830 at Central Prison, Vellore.

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

ORDER

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

The rejection of the leave application by Superintendent of Prison in proceedings No. 8256/taku3/2024 dated 02.10.2024, is sought to be assailed in the present writ proceedings.

2. The reason stated in the order impugned for rejecting the leave application of the prisoner is that prisoner is not eligible to avail ordinary leave.

3. Learned counsel for the petitioner would submit that the marriage of the son of the prisoner is fixed on 31.01.2025 at Virudhunagar. Therefore, the petition may be considered enabling the prisoner to attend the marriage function of his son.

4. The son of the prisoner is a practising lawyer. He appeared before this Court and made a submission that he will take care of his father during the leave period and ensure that he will not indulge in illegal or other activities. He



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further stated that the prisoner will attend only the family function and reside in his home.

5. However, learned Additional Public Prosecutor strongly opposed by stating that the prisoner has involved in many serious cases from 1988-2013. During last occasion, when he availed leave, he has involved in commission of another offence and case has been registered in that regard.

6. The Probation Officer, in his report, has recommended for ordinary leave to the convict prisoner.

7. Since the son of the prisoner has made a submission that he will take care of his father during his marriage function at his residence and in marriage hall, we are inclined to grant 4 days emergency leave to the prisoner commencing from 29.01.2025 to 01.02.2025 with escort.

8. Accordingly, the convict prisoner viz., Gabriel S/o.Devasagayam aged about 56 years convict prisoner, bearing Convict No. 3830 at Central Prison, Vellore, is hereby granted emergency leave for a period of **4 days**, with escort



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commencing from **29.01.2025** on the following conditions.

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(i) Respondents are directed to release the Convict Prisoner viz., Gabriel S/o.Devasagayam aged about 56 years convict prisoner, bearing Convict No. 3830 at Central Prison, Vellore, on emergency Leave for a period of **4 days i.e., from 29.01.2025 to 01.02.2025.**

(ii) The Convict Prisoner shall be released on **29.01.2025** at 10.00 am and surrender before the Superintendent, Vellore Central Prison, Vellore on **01.02.2025** at 05.30 p.m.

(iii) 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.

9. Accordingly, the writ petition stands allowed. No Costs. Consequently, the connected Miscellaneous Petition is dispensed with.

[S.M.S., J.]

[M.J.R., J.]

07.01.2025

Index: Yes/No

Speaking/Non-speaking order

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To

1. The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai – 600 009.



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2.The Deputy Inspector General of Prison,
Vellore Range,
Vellore – 632 001.

3.The Superintendent,
Central Prison Vellore,
Vellore – 632 001.

4.The Public Prosecutor,
High Court of Madras.



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AND
M.JOTHIRAMAN, J.

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