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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.38866 of 2024

Kumar

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels Road,
Egmore, Chennai – 600 008.

2.The Superintendent of Prisons,
Central Prison,
Salem.

... 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 the order date on 23.11.2024 bearing No. 92853/ tha.ku.3/ 2024 passed by respondent No.2 and quashing the same, and directing the respondents to grant 28 days ordinary leave for the petitioner's brother Arulmurugan, S/o.Periyanna aged about 32 years, Convict Prisoner, Convict No.733, Central Prison, Salem.

For Petitioner : Ms.S.Nadhiya

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



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ORDER

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

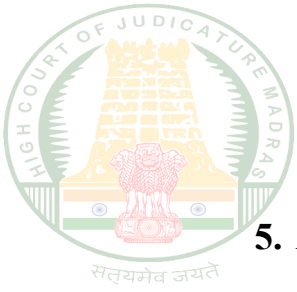
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The rejection of the leave application by Superintendent of Prison in proceedings No. 92853/ tha.ku.3/ 2024 dated 23.11.2024, is sought to be assailed in the present writ proceedings.

2. The prisoner is in actual imprisonment for about 8 years. The leave application was rejected on the ground that reason stated in the application is found incorrect by the Probation Officer.

3. The Probation Officer, in his report, has stated that the reasons assigned by the petitioner for grant of leave is incorrect. On enquiry, the Probation Officer found that the mother of the prisoner is not taking any treatment as stated in the leave application. However, the learned Additional Public Prosecutor would submit that the conduct of the prisoner inside the prison was found to be satisfactory by the prison authorities.

4. In view of the favourable recommendation of the Probation Officer, we are inclined to invoke our powers under Article 226 of the Constitution of India, thereby granting required leave to the convict prisoner herein.



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5. At this juncture, learned Additional Public Prosecutor submitted that

the convict prisoner herein is eligible to avail only 21 days of ordinary leave.

6. Accordingly, the convict prisoner viz., Arulmurugan, S/o.Periyanna aged about 32 years, Convict Prisoner, Convict No.733, Central Prison, Salem., is hereby granted ordinary leave for a period of **21 days**, without escort commencing from **11.01.2025** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Arulmurugan, S/o.Periyanna aged about 32 years, Convict Prisoner, Convict No.733, Central Prison, Salem on Ordinary Leave for a period of **21 days i.e., from 11.01.2025 to 31.01.2025**.

(ii) The Convict Prisoner shall be released on **11.01.2025** at 10.00 am and surrender before the Central Prison, Salem on **31.01.2025** at 05.00 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Anadanapatti Police Station, Salem District twice in a week on Monday and Thursday at 10.30 a.m., during the period of leave.

(iv) 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,



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the connected Miscellaneous Petitions, if any, are closed.

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[S.M.S., J.]

[M.J.R., J.]

07.01.2025

Index: Yes/No

Speaking/Non-speaking order

gd

To

1.The Deputy Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels Road,
Egmore, Chennai – 600 008.

2.The Superintendent of Prisons,
Central Prison,
Salem.

3.The Public Prosecutor,
High Court of Madras.



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AND
M.JOTHIRAMAN, J.

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