



W.P.No.38862 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

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Venkatesan

... 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 Prisons-1,
Puzhal, Chennai – 600 066.

... 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 dated 05.12.2024 bearing No.526848/ tha.ku.2/ 2024 passed by the 2nd respondent and quashing the same and directing the respondents to grant 21 days ordinary leave by without escort to the petitioner namely Venkatesan S/o.Mani aged about 40 years, Convict Prisoner, Convict No.9704, Central Prison, Puzhal.

For Petitioner : Ms.S.Nadhiya

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



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

The rejection of the leave application by Superintendent of Prison in proceedings No.526848/ tha.ku.2/ 2024 dated 05.12.2024, is sought to be assailed in the present writ proceedings.

2. The prisoner is in actual imprisonment for about 4 years, 11 months and 5 days including the remand set off period. After conviction, he completed 1 year, 10 months and 22 days. Therefore, the leave application submitted by him was rejected, since prisoner has not completed two years of imprisonment. Out of 10 years of sentence, the prisoner has completed 4 years, 11 months and 5 days. The conduct of the prisoner inside the prison was found to be satisfactory by the prison authorities.

3. The Probation Officer, in his report, has stated that the reasons assigned by the petitioner for grant of leave is true and he has recommended for ordinary leave to the convict prisoner.

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



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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.

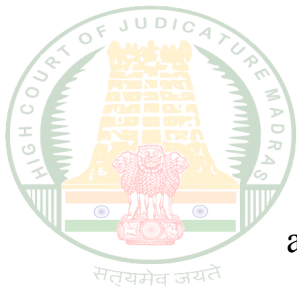
6. Accordingly, the convict prisoner viz., Venkatesan S/o.Mani aged about 40 years, Convict Prisoner, Convict No.9704, Central Prison, Puzhal, is hereby granted ordinary leave for a period of **21 days**, without escort commencing from **10.01.2025** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Venkatesan S/o.Mani aged about 40 years, Convict Prisoner, Convict No.9704, Central Prison, Puzhal on Ordinary Leave for a period of **21 days i.e., from 10.01.2025 to 30.01.2025**.

(ii) The Convict Prisoner shall be released on **10.01.2025** at 10.00 am and surrender before the Central Prison, Puzhal on **30.01.2025** at 05.00 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Thiruvalem Police Station, Vellore 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



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any other activities.

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7. Accordingly, the writ petition stands allowed. No Costs. Consequently, the connected Miscellaneous Petitions, if any, are closed.

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

2.The Superintendent of Prisons,
Central Prisons-1,
Puzhal, Chennai – 600 066.

3.The Public Prosecutor,
High Court of Madras.



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AND
M.JOTHIRAMAN, J.

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