



W.P.No.39085 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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Sharly Angela

... Petitioner

Vs.

The State represented by

1.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore – 641 018.

2.The Superintendent,
Central Prison,
Coimbatore – 641 018.

3.The Superintendent,
Open Prison, Ondiputhur,
Coimbatore District – 641 018.

... 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.1273/The.Ve.C./024 dated 02.12.2024, passed by the 3rd respondent and quash the same and consequently direct the 1st respondents to grant ordinary leave for 21 days without escort to the detenue, Jaganathan, S/o.Shanmugam, aged about 32 years, convict prisoner bearing Convict No.1273 and PID No.67066 confined at open prison Ondiputhur, Coimbatore.



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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.1273/The.Ve.C./024 dated 02.12.2024, is sought to be assailed in the present writ proceedings.

2. The impugned order of rejection of leave application was issued on the ground that the prisoner has not completed two years from the date of availing earlier leave benefit. However, as on today, the prisoner has completed two years of actual imprisonment from the date of availing leave on last occasion. That being so, he became eligible. The prisoner is in actual imprisonment for about 2 years.

3. 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. Considering the facts and circumstances, we are inclined to invoke our powers under Article 226 of the Constitution of India, thereby granting required



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leave to the convict prisoner herein.

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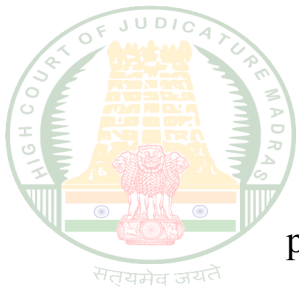
5. At this juncture, learned Additional Public Prosecutor submitted that the convict prisoner herein is eligible to avail only 21 days of ordinary leave.

6. Accordingly, the convict prisoner viz., Jaganathan, S/o.Shanmugam, aged about 32 years, convict prisoner bearing Convict No.1273 and PID No.67066 confined at open prison Ondiputhur, Coimbatore 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., Jaganathan, S/o.Shanmugam, aged about 32 years, convict prisoner bearing Convict No.1273 and PID No.67066 confined at open prison Ondiputhur, Coimbatore 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 open prison Ondiputhur, Coimbatore on **31.01.2025** at 05.00 p.m.

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



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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, 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 Prison,
Coimbatore Range,
Coimbatore – 641 018.

2. The Superintendent,
Central Prison,
Coimbatore – 641 018.

3. The Superintendent,
Open Prison, Ondiputhur,
Coimbatore District – 641 018.

4. The Public Prosecutor,
High Court of Madras.



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AND
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