



W.P.No.39000 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.39000 of 2024

S.Sundarrajan

... Petitioner

Vs.

1.The Home Secretary,
Home Department (Prison),
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Vellore Range,
Vellore.

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

... 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 relating to the proceedings of the 3rd respondent dated 28.10.2024 and quash the same and direct the 3rd respondent to grant 40 days ordinary leave without escort to the petitioner Sunderrajan S/o.Samuel (Conviction No.14114) confined at Central Prison Cuddalore.

For Petitioner

: Mr.P.M.Basil

For Respondents

: Mr.R.Muniyapparaj

Additional Public Prosecutor



W.P.No.39000 of 2024

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

The Writ Petition has been instituted for assailing the proceedings of the 3rd respondent dated 28.10.2024 and direct the 3rd respondent to grant 40 days ordinary leave without escort to the petitioner Sunderrajan S/o.Samuel (Conviction No.14114) confined at Central Prison Cuddalore.

2. The impugned order of rejection of leave application was issued on the ground that the prisoner has not completed one year from the date of availing earlier leave benefit. However, as on today, the prisoner has completed one year 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 14 years.

3. There is no adverse conduct noticed against the prisoner inside the prison by the prison authorities. 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



W.P.No.39000 of 2024

are inclined to invoke our powers under Article 226 of the Constitution of

India, thereby granting required leave to the convict prisoner herein.

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

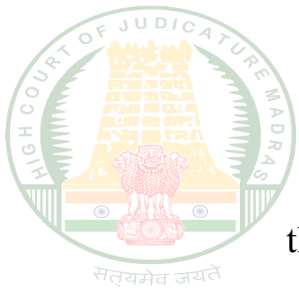
6. Accordingly, the convict prisoner viz., Sunderrajan S/o.Samuel (Conviction No.14114) confined at Central Prison Cuddalore is hereby granted ordinary leave for a period of **21 days**, without escort commencing from **11.01.2025** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Sunderrajan S/o.Samuel (Conviction No.14114) confined at Central Prison Cuddalore 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, Cuddalore on **31.01.2025** at 05.00 p.m.

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



W.P.No.39000 of 2024

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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 Home Secretary,
Home Department (Prison),
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Deputy Inspector General of Prison,
Vellore Range,
Vellore.
3. The Superintendent of Prison,
Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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W.P.No.39000 of 2024

S.M.SUBRAMANIAM, J.
AND
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gd

W.P.No.39000 of 2024

07.01.2025