



W.P.No.39905 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.39905 of 2024

N.Ilaiyaraja .. Petitioner

v.

1. State of Tamil Nadu
rep.by the Additional Chief
Secretary to Government
Home (Prison V) Department
Secretariat, Fort St.George
Chennai 600 009
2. The Director General of Prisons
and Correctional Services
Tamil Nadu Prison Department
No.6, Whannels Road, Egmore
Chennai 600 008
3. The Deputy Inspector General of Prisons
Office of DIG of Prisons – Trichy Range
Trichy 620 023
4. The Superintendent of Prison
Central Prison for Men, Trichy 620 020 .. Respondents



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Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order dated 09.10.2024 passed by the Respondent No.4 in Moo.Mu.No.17016/Tha.Ku.4/2024 and set aside the same as illegal and subsequently direct the respondents to grant one-month ordinary leave to the petitioner's elder brother, namely, Bala @ Balamurugan (CP No.22572), who is undergoing life imprisonment for more than five years (from 31.05.2019) in Trichy Central Prison as per Rule 40 of Tamil Nadu Suspension of Sentence Rules,1982.

For Petitioner :: Mrs.D.Geetha

For Respondents :: Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The rejection of leave application in proceeding dated 09.10.2024 is sought to be assailed in the present writ proceedings.

2. The prisoner is in actual imprisonment for about seven years. Though he is eligible to avail ordinary leave under the Tamil Nadu Suspension of Sentence Rules, the application was rejected mainly on the ground that the Probation Officer has not recommended. However, the jurisdictional police recommended the case of the prisoner for grant of



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ordinary leave. The learned Additional Public Prosecutor would submit that the conduct of the prisoner inside the prison is found to be satisfactory.

Taking note of the length of incarceration, we are inclined to consider the present writ petition and pass the following order:-

- (i) The impugned order passed by the fourth respondent dated 09.10.2024 is set aside.
- (ii) The prisoner, namely, Bala @ Balamurugan, S/o Nallamuthu, Convict No.22572 (PID No.123371), is granted 21 days ordinary leave without escort.
- (iii) The leave shall commence from 31.01.2025 10.30 A.M., and the prisoner shall surrender before the fourth respondent by 5.30 P.M., on 20.02.2025.
- (iv) The prisoner shall appear before the Kaikalathur Police Station, Perambalur District twice in a week i.e., on every Monday and Thursday at 11.00 A.M. during the period of leave.

The writ petition stands allowed on the above terms. No costs.

Index : yes/no
Neutral citation : yes/no

(S.M.S.,J.) (M.J.R.,J.)
27.01.2025

SS



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To
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5. The Inspector of Police
Kaikalathur Police Station
Perambalur District
6. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

SS

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