



WEB COPY



W.P.No.39538 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.39538 of 2024

Hemavathi

... Petitioner

Vs.

The State represented by

1.The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Puzhal Range,
Puzhal – 600 066.

3.The Superintendent,
Puzhal Central Prison,
Puzhal – 600 066.

... 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. 343745/ta.ku3/2024 dated 09.11.2024 passed by the 3rd respondent and quash the same and consecutive direct the 2nd respondent to grant ordinary leave for 28 days without escort to the detainee, Abishek, S/o.Narayanan aged about 28 years convict prisoner, bearing Convict No. 7942 at Central Prison, Puzhal.

For Petitioner

: Mr.M.Ezhilarasu



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For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

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ORDER

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

The rejection of the leave application by Superintendent of Prison in proceedings No. 343745/ta.ku3/2024 dated 09.11.2024, is sought to be assailed in the present writ proceedings.

2. The leave application submitted by the petitioner to grant ordinary leave was considered by the Superintendent of Prisons and the same was granted with escort.

3. However, the learned counsel for the petitioner would submit that the family of the prisoner is not in a position to meet out the expenses of the escort. The prisoner is in actual imprisonment for about 6 years. Therefore, the present Writ Petition has been instituted.

4. 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 with escort.

5. In view of the favourable recommendation of the Probation Officer, we



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are inclined to invoke our powers under Article 226 of the Constitution of India, thereby granting required leave to the convict prisoner herein.

6. At this juncture, learned Additional Public Prosecutor submitted that his conduct inside the prison is found to be satisfactory and the convict prisoner herein is eligible to avail only 21 days of ordinary leave.

7. Accordingly, the convict prisoner viz., Abishek, S/o.Narayanan aged about 28 years convict prisoner, bearing Convict No. 7942 at Central Prison, Puzhal, 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., Abishek, S/o.Narayanan aged about 28 years convict prisoner, bearing Convict No. 7942 at Central Prison, Puzhal 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, Puzhal on **31.01.2025** at 05.00 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, K2, Ayanavaram Police Station, Chennai twice in a week on Monday and Thursday at 10.30 a.m., during the period of leave.



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(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.

8. 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.]

09.01.2025

Index: Yes/No

Speaking/Non-speaking order

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To

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Department of Home,
Fort St. George,
Chennai – 600 009.
2. The Deputy Inspector General of Prison,
Puzhal Range,
Puzhal – 600 066.
3. The Superintendent,
Puzhal Central Prison,
Puzhal – 600 066.
4. The Public Prosecutor,
High Court of Madras.



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AND
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