



WEB COPY



W.P.No.39676 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2025

CORAM :

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

W.P.No.39676 of 2024

Kannammal
W/o Murugesan

.. Petitioner

v.

1. The State represented by its
Home Secretary
Home Department
Secretariat, Fort St.George
Chennai 600 009

2. The Additional Director General of Police (Prison)
Whannels Road
Egmore, Chennai 600 008

3. The Superintendent of Prison
Central Prison
Cuddalore 607 001

4. The Inspector of Police
Tittagudi Police Station
Cuddalore District

.. 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 the records pertaining to the impugned order No.18435/Tha.Ku.2/2024 dated 03.12.2024 issued by the 3rd respondent and quash the same and consequently direct the respondents to grant parole for 40 days without escort to petitioner's son namely Paramasivam, Son of Murugesan (C.T.No.11305) aged 45 years, now confined in Central Prison, Cuddalore.

For Petitioner :: Ms.R.Madhubala

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

ORDER

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

The impugned order of rejection of leave application by the Superintendent of Prison, Cuddalore in proceeding dated 03.12.2024 reveals that the prisoner, on earlier occasion, absconded on expiry of emergency leave granted to him. A criminal case was registered in Crime No.158 of 2018 under Section 224 of IPC and he was arrested on 07.11.2018 after a lapse of about 10 ½ years. Citing the said reason, the present leave application was rejected.

2. The learned counsel for petitioner would submit that this Court has



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granted ordinary leave to the prisoner on earlier occasion in W.P.No.5801 of 2024 vide order dated 20.03.2024 with escort.

3. The prisoner is in actual imprisonment for more than ten years. He is eligible to avail ordinary leave under the Tamil Nadu Suspension of Sentence Rules. Considering the fact that on earlier occasion, ordinary leave was granted to the prisoner with escort, we are inclined to pass the following order:-

- (i) The impugned order passed by the 3rd respondent dated 03.12.2024 is set aside.
- (ii) The prisoner, namely, Paramasivam, S/o Murugesan, aged about 45 years, bearing Convict No.11305, is granted ordinary leave for 28 days with escort.
- (iii) The leave shall commence from 24.01.2025 10.30 A.M., and the prisoner shall surrender before the third respondent by 5.30 P.M., on 20.02.2025.

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

Index : yes
Neutral citation : yes/no
SS

(S.M.S.,J.) (M.J.R.,J.)
20.01.2025



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To

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5. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

SS

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