



WEB COPY



W.P.No.39509 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM :

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

W.P.No.39509 of 2024
WMP.No.42781 of 2024

Rajendran

... Petitioner

Vs.

1.The State represented by its
The Deputy Inspector General of Prison
Gandhi Irwin Road, Egmore,
Chennai – 600 008.

2.The Superintendent,
Puzhal Central Prison – I,
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 connected with impugned order dated 28.11.2024 in proceedings No.476680/Thaku2/2024 passed by the second respondent and quash the same and directing the respondents to grant ordinary leave for 40 days without escort to the detenue Parthiban s/o.Rajendran aged about 38 years bearing convict No.6948 confined at Central Prison-I, Puzhal.

For Petitioner : Ms.S.Sadhana

For Respondents : Mr.R.Muniapparaj



W.P.No.39509 of 2024

Additional Public Prosecutor

WEB COPY

ORDER

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

The order of rejection rejecting the leave application submitted by the prisoner is under challenge in the present writ proceedings.

2. The reasons stated in the impugned order is that the prisoner was convicted under Section 392 IPC and therefore he is not eligible to avail the benefit of ordinary leave under suspension of sentence rules. The prisoner is in actual imprisonment for about 6 years and 11 months, his conduct inside the prison is found to be satisfactory by the prison authorities.

3. Therefore, we are inclined to consider the present writ petition. The impugned order stands quashed and the prisoner is granted ordinary leave for **28 days** without escort commencing from **10.01.2025 to 06.02.2025**.

4. Accordingly, the convict prisoner viz., Mr.Parthiban s/o.Rajendran (CT.No.6948) now confined at Central Prison - I, Puzhal, Chennai is hereby granted ordinary leave for a period of **28 days**, without escort commencing from **10.01.2025** on the following conditions.



WEB COPY



W.P.No.39509 of 2024

(i) Respondents are directed to release the Convict Prisoner viz., Mr.Parthiban s/o.Rajendran (CT.No.6948) now confined at Central Prison, Puzhal, Chennai on Ordinary Leave for a period of **28 days i.e., from 10.01.2025 to 06.02.2025.**

(ii) The Convict Prisoner shall be released on **10.01.2025** at 10.00 am and surrender before the Central Prison, Puzhal on **06.02.2025** at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the **Inspector of Police, Thondi Police Station, Ramanathapuram** twice a week on **Monday** and **Thursday** at **11.00 a.m.**, during the 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.

5. Accordingly, the writ petition stands allowed by quashing the impugned order bearing No.476680/Thaku2/2024 dated 28.11.2024 passed by the second respondent. No Costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[M.J.R., J.]



W.P.No.39509 of 2024

03.01.2025

Index: Yes/No
Speaking/Non-speaking order
tsh

To

1.The State represented by its
The Deputy Inspector General of Prison
Gandhi Irwin Road, Egmore,
Chennai – 600 008.

2.The Superintendent,
Puzhal Central Prison – I,
Puzhal – 600 066.

3.The Inspector of Police,
Thondi Police Station,
Ramanathapuram.

4. The Public Prosecutor
High Court of Madras.



WEB COPY



W.P.No.39509 of 2024

S.M. SUBRAMANIAM, J.
AND
M. JOTHIRAMAN, J.

tsh

W.P.No.39509 of 2024

03.01.2025