



W.P.No.39508 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.39508 of 2024

Savithri

... Petitioner

Vs.

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

2.The Superintendent,
Puzhal Central Prison -I,
Puzhal.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, call for the records connected with impugned order in proceedings No 438749/ Tha. Ku 2 / 2024 dated 26.11.2024 passed by the Second respondent and quash the same and directing the respondents to grant ordinary leave for 21 days without escort to the detenue Rajasekar S/o Anthonidas aged about 49 years bearing Convict No 7941 confined at central Prison -I Puzhal.

For Petitioner : Ms.S.Sadhana

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



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ORDER

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

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The rejection of the leave application by Superintendent of Prison in proceedings No 438749/ Tha. Ku 2 / 2024 dated 26.11.2024, is sought to be assailed in the present writ proceedings.

2. The prisoner is in actual imprisonment for about 6 years and 5 months. There is no adverse conduct noticed against the prisoner inside the prison by the prison authorities. The Probation Officer also recommended the case of the prisoner for grant of ordinary leave for 21 days. The reason stated in the order impugned is that, the leave granted with escort.

3. Learned counsel for the petitioner would submit that the family of the prisoner is not in a position to meet out the expenditure for escort. There is no adverse conduct noticed against the prisoner inside the prison by the prison authorities.

4. Taking note of the fact that the prisoner is in actual imprisonment and his conduct inside the prison is satisfactory, we are inclined to modify the order impugned to the extent that the ordinary leave granted to the prisoner for 21 days is without escort.



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

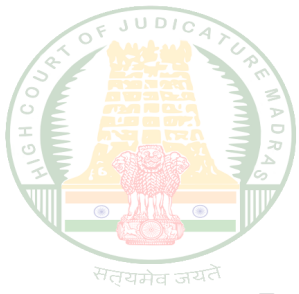
6. Accordingly, the convict prisoner viz., Rajasekar S/o Anthonidas aged about 49 years bearing Convict No 7941 confined at central Prison -I Puzhal., is hereby granted ordinary leave for a period of **21 days**, without escort commencing from **11.01.2025** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Rajasekar S/o Anthonidas aged about 49 years bearing Convict No 7941 confined at central Prison -I 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-I, 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 i.e, Monday and Thursday at 10.30 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.



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

2.The Superintendent,
Puzhal Central Prison -I,
Puzhal.

3.The Public Prosecutor,
High Court of Madras.



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