



WEB COPY



W.P.No.39680 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.39680 of 2024

D.Vasuki

... Petitioner

Vs.

1.The Deputy Inspector General of Prison,
Vellore Range,
Vellore – 632 002.

2.The Superintendent of Prisons,
Central Prison,
Cuddalore – 607 004.

... 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 No.19094/Tha.Ku 2/2024 dated 17.12.2024 passed by respondent No.2 and quash the same and consequently direct the respondents to grant 21 days ordinary leave to the petitioner's husband Dhanavel S/o.Radhakrishnan, aged 53 years, (PID No.367986), Ct.No.17016, now confined in the Central Prison, Cuddalore.

For Petitioner : Mr.P.Pugalenth

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.19094/Tha.Ku 2/2024 dated 17.12.2024, is sought to be assailed in the present writ proceedings.

2. The reason stated in the order impugned is that the SLP is pending before the Hon'ble Supreme Court of India. Mere pendency of an appeal is not a ground to reject the leave application.

3. In the present case, the prisoner is eligible to avail ordinary leave under Suspension of Sentence Rules. The prisoner is in actual imprisonment for about 3 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.

5. In view of the favourable recommendation of the Probation Officer, we are inclined to invoke our powers under Article 226 of the Constitution of



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India, thereby granting required leave to the convict prisoner herein.

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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., Dhanavel S/o.Radhakrishnan, aged 53 years, (PID No.367986), Ct.No.17016, now confined in the Central Prison, Cuddalore, 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., Dhanavel S/o.Radhakrishnan, aged 53 years, (PID No.367986), Ct.No.17016, now confined in the Central Prison, Cuddalore 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, Cuddalore on **31.01.2025** at 05.00 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Viruthachalam Police Station twice in a week i.e, Monday and Thursday at 11.00 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

gd



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To

1.The Deputy Inspector General of Prison,
Vellore Range,
Vellore – 632 002.

2.The Superintendent of Prisons,
Central Prison,
Cuddalore – 607 004.

3.The Public Prosecutor,
High Court of Madras.



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