



WEB COPY



W.P.No.39659 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.39659 of 2024

Devika

... Petitioner

Vs.

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

2.The Superintendent of Prisons,
Central Prison,
Cuddalore – 4.

... 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 No.18735/Tha.Ku2/ 2024 dated 10.12.2024 passed by respondents to grant 28 days ordinary leave to the petitioners son Mathiyarasan, s/o.Elumalai aged 67 years (PID No.271709) Convict Prisoner No.16846, 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.*)

The rejection of the leave application by Superintendent of Prison in proceedings No.18735/Tha.Ku2/ 2024 dated 10.12.2024, is sought to be assailed in the present writ proceedings.

2. The reason stated in the order impugned is that the criminal appeal is pending before this Court. Such a reason cannot be 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 4 years and 8 months. 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. We do not find any reason to deny ordinary leave without escort to the prisoner. Accordingly, the convict prisoner viz., Mathiyarasan, s/o.Elumalai aged 67 years (PID No.271709) Convict Prisoner No.16846, 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., Mathiyarasan, s/o.Elumalai aged 67 years (PID No.271709) Convict Prisoner No.16846, 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.



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(iii) The Convict Prisoner is directed to report before the Inspector of Police, Villupuram Taluk Police Station everyday 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.

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 – 4.

3.The Public Prosecutor,
High Court of Madras.



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