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Sarasu vs the State Rep by

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Court : Chennai Orders

Decided On : Feb-27-2025

Judge : Honourable Mr Justice M.S. Ramesh,Honourable Mr.Justice N.Senthilkumar

Appeal No. : WP/4149/2025

Appellant : Sarasu

Respondent : The State Rep by

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH AND THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR and W.M.P.No.4655 of 2025 SARASU ... Petitioner/mother of the detenue Vs.

1. The State Rep By The Secretary To Government Of Tamilnadu, Home Department, (prison Branch-IV), Fort St.George, Chennai-600 009 2.The Director Inspector General Of Prison, Coimbatore Range, 3.The

Superintendent 4.The Superintendent

Salem Central Prison, Salem-636 007 ... 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 pertaining to the impugned order bearing No.608514/Tha.Ku3/2024 dated 31.12.2024 passed by the 4th respondent and quash the same and consecutively, direct the respondents to grant ordinary leave for 30 days, without escort to the detenue, Ajithkumar S/o.Sambu aged about 25 years, bearing Convict No.9975, confined at Central prison, Salem.

For Petitioner : Ms.K.Akshaya For Respondents : Mr.R.Muniyapparaj Additional Public Prosecutor assisted by Mr.M.Sylvester John

ORDER

M.S.RAMESH, J.

and

N.SENTHILKUMAR, J.

This Writ Petition has been filed to call for the records pertaining to the impugned order bearing No.608514/Tha.Ku3/2024 dated 31.12.2024 passed by the 4th respondent, quash the same and consecutively, direct the respondents to grant ordinary leave for 30 days, without escort to the detenue, Ajithkumar S/o.Sambu aged about 25 years, bearing Convict No.9975, confined at Central prison, Salem.

2. On the ground that the prisoner's presence is required for

partitioning the family properties, as well as for making financial arrangements for the family, this application seeking for ordinary leave was rejected through an impugned order dated 31.12.2024, which is put under challenge in the present Writ Petition.

3. Pending the Writ Petition, the Probation Officer had conducted an

enquiry and in his report dated 11.02.2025, he has stated that the reasons assigned by the petitioner that he is required to make financial arrangements, is false. This apart, he has also stated that the victim girl's house is very close to the prisoner's place and therefore has not recommended for grant of leave.

4. Under the Tamil Nadu Suspension of Rules, 1982, a convict

prisoner who has only completed 01 year, 09 months and 28 days as on date, is not entitled to seek for ordinary leave, more particularly, when an appeal against conviction is pending.

5. For all the above reasons, we do not find any reasons to interfere

with the impugned order passed by the fourth respondent. Accordingly, this Writ Petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed. [M.S.R., J] [N.S., J] 27.02.2025 Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No Neutral Citation: Yes/No Anu To 1.The Secretary To Government Of Tamilnadu, Home Department, (prison Branch-IV), Fort St.George, Chennai-600 009 2.The Director Inspector General Of Prison, Coimbatore Range, 3.The Superintendent 4.The Superintendent Salem Central Prison, Salem-636 007 5.The Public Prosecutor, High Court, Madras.

M.S.RAMESH, J.

and

N.SENTHILKUMAR, J.

Anu and W.M.P.No.4655 of 2025 27.02.2025

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