



WEB COPY



W.P.No.657 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.657 of 2025

S.Hema .. Petitioner

v.

1. The Secretary to Government
Home Department
Secretariat, Fort St.George
Chennai 600 009

2. The Additional Director General of Police
and Inspector General of Prisons
Whannels Road
Egmore, Chennai 600 008

3. The Superintendent of Prisons
Vellore Central Prison
Vellore, Tamil Nadu

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order made in letter No.E.595714.Tha.Ku.3/2024 on 24.12.2024 by the 3rd respondent and quash the same, consequently direct the respondents to grant parole leave for a period of one month to



W.P.No.657 of 2025

petitioner's son confined at Vellore Central Prison.

WEB COPY

For Petitioner :: Mr.R.Balasubramanian

For Respondents :: Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The rejection of leave application in proceeding dated 24.12.2024 is sought to be assailed in the present writ petition. The Superintendent of Prison rejected the leave application on the ground that the prisoner is not eligible to avail the leave under the Tamil Nadu Suspension of Sentence Rules, since he has not completed the minimum period of imprisonment as contemplated under the Rules.

2. The learned counsel for petitioner would submit that during the relevant point of time when the application was filed, the wife of the prisoner was pregnant. Now she has delivered a baby on 11.01.2025. Therefore, the authorities ought to have considered the leave application submitted by the prisoner.

3. The learned Additional Public Prosecutor submitted a copy of the



W.P.No.657 of 2025

Probation Officer's report. The Probation Officer, during the course of enquiry, found that the reason stated by the petitioner is correct. A baby is born on 11.01.2025 to the prisoner's wife. Taking note of the above facts, we are inclined to consider the present writ petition and pass the following order:-

- (i) The impugned order passed by the 3rd respondent dated 24.12.2024 is set aside.
- (ii) The prisoner, namely, Sharmamoorthi, S/o Parthiban, bearing Convict No.4701 (PID No.271542), is granted six days emergency leave with escort.
- (iii) The leave shall commence from 23.01.2025 10.30 A.M., and the prisoner shall surrender before the third respondent by 5.30 P.M., on 28.01.2025.

The writ petition stands allowed on the above terms. No costs.

Index : yes
Neutral citation : yes/no

(S.M.S.,J.) (M.J.R.,J.)
20.01.2025

SS

To

1. The Secretary to Government



W.P.No.657 of 2025

Home Department
Secretariat, Fort St.George
Chennai 600 009

WEB COPY

2. The Additional Director General of Police
and Inspector General of Prisons
Whannels Road
Egmore, Chennai 600 008
3. The Superintendent of Prisons
Vellore Central Prison
Vellore, Tamil Nadu
4. The Public Prosecutor
High Court, Madras



WEB COPY



W.P.No.657 of 2025

S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

SS

W.P.No.657 of 2025

20.01.2025