



WEB COPY



W.P.No.1402 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.1402 of 2025

Kanniyammal

... Petitioner

Vs.

The State rep. by its,
1.The Director General of Prison,
Vellore Range,
Vellore Central Prison,
Vellore – 641 018.

2.The Superintendent,
Cuddalore Central Prison,
Cuddalore – 641 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order bearing No.17341/Tha.Ku2/2024, dated 08.11.2024, passed by the 2nd respondent and quash the same and consecutively direct the respondents to grant ordinary leave for 30 days without escort to the detenu, Karmegam, S/o.Mariappan, aged about 42



W.P.No.1402 of 2025

years, Convict No.16962, (PID No.37744) detained at Central Prison, Cuddalore.

For Petitioner : Dr.S.Manoharan

For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

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

This Writ Petition has been filed challenging the impugned order dated 08.11.2024, rejecting the representation of the petitioner dated 04.11.2024.

2. The reason assigned in the impugned order for rejecting the petitioner's request for grant of ordinary leave to her son is that since the life convict was involved in a prison offence, he is not eligible for grant of leave.

3. The learned counsel for the petitioner submitted that the petitioner's health condition is deteriorating due to her old age and hence,



W.P.No.1402 of 2025

she requires the presence of her son/life convict to take her to the hospital and for making necessary arrangements of her needs, for which she sought for an ordinary leave for her son for a period of 30 days. The learned counsel further submitted that the life convict has undergone 15 years of imprisonment.

4. The learned Additional Public Prosecutor has produced the particulars of the life convict dated 21.01.2025, as well as the report of the Probation Officer dated 25.01.2025, which are not in favour of the life convict and the Probation Officer has stated that though the reason for which the petitioner seeks for grant of ordinary leave for her son is genuine, leave is not recommended as the chances of the life convict to return to the prison are less.

5. Considering the reason stated by the petitioner for grant of leave to her, as well as the fact that the life convict is in prison for 15 years, we are inclined to consider the prayer sought for in this Writ Petition.



W.P.No.1402 of 2025

6. Accordingly, the petitioner's son/life convict namely Karmegam, S/o.Mariappan, aged about 42 years, Convict No.16962, (PID No.37744), detained at Central Prison, Cuddalore, is granted 7 days of ordinary leave with **minimum escort** from **18.02.2025**. After expiry of the ordinary leave, the life convict shall surrender before the second respondent herein, on **24.02.2025** before 5.30 P.M. The convict shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities.

7. With the above directions, the impugned order dated 08.11.2024 passed by the second respondent, is hereby quashed and the Writ Petition stands allowed. No costs.

[M.S.R, J.]

[N.S, J.]

05.02.2025

Index: Yes/No

Speaking order/Non-speaking order

Sni

Note: Issue Order Copy on 17.02.2025.



W.P.No.1402 of 2025

WEB COPY

To

1.The Director General of Prison,
Vellore Range,
Vellore Central Prison,
Vellore – 641 018.

2.The Superintendent,
Cuddalore Central Prison,
Cuddalore – 641 018.

3.The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.1402 of 2025

M.S.RAMESH, J.
and
N. SENTHILKUMAR, J.

Sni

W.P.No.1402 of 2025

05.02.2025