



WEB COPY



W.P.No.2165 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.2165 of 2025
and W.M.P.No.2518 of 2025

Nandhakumar

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels Road,
Egmore, Chennai – 600 008.

2.The Superintendent of Prisons,
Central Prison-1,
Puzhal,
Chennai – 600 066.

... 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 in the order dated 28.11.2024 bearing No.473328/Tha.Ku.2/2024 passed by the respondent No.2 and quashing the same and directing the respondents to grant ordinary leave for 40 days without escort to the



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petitioner namely Nandhakumar, S/o.Somasundaram, aged 69 years,
Convict Prisoner, Convict No.4223, Central Prison, Puzhal.

For Petitioner : Mrs.S.Nadhiya

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 28.11.2024, rejecting the representation of the petitioner/life convict dated 05.11.2024.

2. The only reason assigned in the impugned order for rejecting the petitioner's request for grant of ordinary leave to him is that being a Sri Lankan citizen, he is not eligible for grant of leave under Rule 21(2)(j) of the Tamil Nadu Suspension of Sentence Rules, 1982.

3. The learned counsel for the petitioner submitted that the petitioner/life convict has sought for ordinary leave for a period of 40 days



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to make arrangements for his wife's medical treatment, as well as to arrange funds for his son's marriage. The learned counsel further submitted that the petitioner/life convict has undergone more than 25 years of imprisonment.

4. The learned Additional Public Prosecutor has produced the particulars of the life convict dated 25.01.2025, as well as the report of the Probation Officer dated 09.12.2024. The Probation Officer in his report has recommended to grant leave to the life convict, as he is satisfied with the reasons stated in the representation of the life convict.

5. Considering the reasons stated by the petitioner for grant of leave to him, as well as the report of the Probation Officer recommending to grant leave to the petitioner/life convict, we are inclined to consider the prayer sought for in this Writ Petition.

6. Accordingly, the impugned order dated 28.11.2024 passed in No.473328/Tha.Ku.2/2024 by the second respondent, is hereby quashed. Consequently there shall be a direction to the respondents herein, to grant 28 days ordinary leave “*without escort*” to the petitioner/life convict



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namely Nandhakumar, S/o.Somasundaram, aged 69 years, Convict No.4223, Central Prison, Puzhal, commencing from **18.02.2025** to **17.03.2025**, with a condition that the life convict shall report before the jurisdictional Police i.e. Viralimalai Police Station, Pudukottai District, twice a week on Mondays and Thursdays at 10.30 A.M. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on **17.03.2025** before 05.30 P.M. The prisoner 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 direction, the Writ Petition stands allowed. No costs. Connected miscellaneous petition is closed.

[M.S.R, J.]

[N.S, J.]

05.02.2025

Index: Yes/No

Speaking order/Non-speaking order

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Note: Issue Order Copy on 17.02.2025.



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To

1.The Deputy Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels Road,
Egmore, Chennai – 600 008.

2.The Superintendent of Prisons,
Central Prison-1,
Puzhal,
Chennai – 600 066.

3.The Inspector of Police,
Viralimalai Police Station,
Pudukottai District.

4.The Public Prosecutor,
High Court, Madras.



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