



W.P.No.1840 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

and

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.1840 of 2025
and W.M.P.No.2094 of 2025

Sathyavanimuthu

... Petitioner

Vs.

1.The Home Secretary
Home Department (Prison)
Secretariat, Fort St. George
Chennai 600 009

2.The Deputy Inspector General
Coimabtoe Zone
Coimbatore

3.The Superintendent of Prison
Central Prison
Salem

... 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 records relating to the proceedings of the 3rd respondent dated 31.12.2024 and quash the same and direct the 3rd respondent to grant 40



W.P.No.1840 of 2025

days ordinary leave without escort to the petitioner's brother Viji@ Arulmurugan, S/o.Subbiah (Convict No.9067, PID No.102908) who is presently lodged in Central Prison, Salem.

For Petitioner : Mr.P.M.Basil
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 for issuance of Writ of Certiorarified Mandamus, to call for records relating to the proceedings of the 3rd respondent dated 31.12.2024 and quash the same and direct the 3rd respondent to grant 40 days ordinary leave without escort to the petitioner's brother Viji@ Arulmurugan, S/o.Subbiah (Convict No.9067, PID No.102908) who is presently lodged in Central Prison, Salem.

2. The learned counsel for the petitioner submitted that a representation dated 17.12.2024 was sent to the respondents seeking for a grant of 40 days ordinary leave to the petitioner's brother to solemnize marriage between him and her daughter. The same was rejected by the



W.P.No.1840 of 2025

respondents citing Rule 21(b) of the Tamil Nadu Suspension of Sentence Rules, 1982, which restricts parole eligibility for convicts sentenced under Sections 395 and 397 I.P.C.

3. Learned Additional Public Prosecutor has produced a report of the Probation Officer dated 29.01.2025, which is not in favour of the life convict and the Probation Officer has stated that the reason for which the petitioner seeks for a grant of ordinary leave for her brother is not genuine. The daughter of the petitioner is already married and having three children and she has not obtained any divorce legally from her husband.

4. Even though the Probation Officer in his report has stated that the reasons assigned by the petitioner are not genuine, we are inclined to grant 3 days leave to the convict prisoner to visit family with minimum escort.

5. This Writ Petition stands allowed accordingly. The impugned proceedings of the 3rd respondent dated 31.12.2024 is hereby quashed.



W.P.No.1840 of 2025

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Consequently, there shall be a direction to the respondents herein, to grant 3 days ordinary leave “*with minimum escort*” to the life convict namely Viji @ Arulmurugan, S/o.Subbaiah, aged about 52 years, Life Convict No.9067, commencing from 20.02.2025 to 22.02.2025, with a condition that the life convict shall report before the jurisdictional Police i.e. Tiruvelveli Town Police Station, daily at 10.30 a.m. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 23.02.2025 before 10.00 a.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.

6. With the above direction, the Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

[M.S.R, J.]

[N.S, J.]

06.02.2025

kas

Note: Issue Order Copy on 18.02.2025

To

1.The Home Secretary
Home Department (Prison)



W.P.No.1840 of 2025

Secretariat, Fort St. George
Chennai 600 009

2.The Deputy Inspector General
Coimabtoe Zone
Coimbatore

3.The Superintendent of Prison
Central Prison
Salem

4.The Public Prosecutor
High Court of Madras
Chennai



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W.P.No.1840 of 2025

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W.P.No.1840 of 2025
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