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W.P.No.3281 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.3281 of 2025

and

W.M.P.No.3646 of 2025

Chinnaponnu

.. Petitioner

Vs.

1.The State Rep by its,
Deputy Inspector General of Prisons,
Egmore, Chennai – 600 008.

2.The Superintendent of Central Prison (Conviction),
Coimbatore,
Coimbatore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order bearing No.11543/Thaku 3/2024, dated 20.06.2024 passed by the 2nd respondent and quash the same and subsequently directing the respondents to grant 28 days of ordinary leave without escort to petitioner's husband Annamalai son of Chinnappan convict No.19602 confined in Central Prison, Coimbatore.



W.P.No.3281 of 2025

WEB COPY

For petitioner : Mr.C.Deepakkumar
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 20.06.2024 of the 2nd respondent rejecting the representation of the petitioner seeking grant of ordinary leave to her husband.

2.The only reason assigned in the impugned order for rejecting the petitioner's request for grant of ordinary leave to the convict prisoner is that he is not eligible for grant of ordinary leave under Rule 21(b) of the Tamil Nadu Suspension of Sentence Rules, 1983.

3.The learned counsel for the petitioner submitted that the petitioner has sought for ordinary leave for the convict prisoner to take care of her during her left leg surgery.



W.P.No.3281 of 2025

WEB COPY

4.The learned Additional Public Prosecutor has produced the particulars of the life convict which states that the convict prisoner is not eligible for ordinary leave under Rule 21(b) of the Tamil Nadu Suspension of Sentence Rules, 1983. The learned Additional Public Prosecutor also produced the report of the Probation Officer dated 10.02.2025. Though the Probation Officer states that the petitioner has not suffered any leg fracture as stated by her in her representation, he has recommended for grant of ordinary leave to the convict prisoner under the Prison Rules.

5.By taking into consideration the report of the Probation Officer, recommending for grant of leave, as well as the reasons assigned in the affidavit filed in support of this petition, we are inclined to grant 28 days of ordinary leave to the petitioner's husband/convict prisoner.

6.Accordingly, the impugned order dated 20.06.2024 bearing No.11543/Thaku 3/2024 passed 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's husband/life convict namely Annamalai, S/o.Chinnapan, aged 68 years,



W.P.No.3281 of 2025

WEB COPY

Convict No.19602 and PID No.22193, Central Prison, Coimbatore, commencing from **22.02.2025 to 21.03.2025**, with a condition that the life convict shall report before the jurisdictional Police i.e. Mettur Police Station, Salem District, daily at 10.30 A.M. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on **21.03.2025 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.
Connected miscellaneous petition is closed. No costs.

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

13.02.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

NOTE : Issue order copy on 21.02.2025.



W.P.No.3281 of 2025

To

WEB COPY

- 1.The State Rep by its,
Deputy Inspector General of Prisons,
Egmore, Chennai – 600 008.
- 2.The Superintendent of Central Prison (Conviction),
Coimbatore,
Coimbatore District.
- 3.The Inspector of Police,
Mettur Police Station,
Salem District.
- 4.The Public Prosecutor,
High Court, Madras.

M.S.RAMESH, J.
and



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W.P.No.3281 of 2025

N. SENTHILKUMAR, J.

krk

W.P.No.3281 of 2025

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