



WEB COPY



W.P.No.2400 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.2400 of 2025
and W.M.P.No.2706 of 2025

Tamilselvi

... Petitioner

Vs.

1.The State rep. by its,
The Deputy Inspector General of Prison,
Gandhi Irwin Road, Egmore, Chennai – 600 008.

2.The Superintendent,
Puzhal Central Prison-1,
Puzhal – 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 connected with impugned order dated 07.01.2025 in proceedings No.526840/Thaku2/2024 passed by the second respondent and quash the same and directing the respondents to grant ordinary leave for 30 days without escort to the detenue, Sathishkumar, S/o.Nagarajan, aged about 37 years bearing Convict No.8680, confined at Central Prison, Puzhal.



W.P.No.2400 of 2025

For Petitioner : Ms.S.Sadhana
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 07.01.2025, rejecting the representation of the petitioner dated 21.11.2024.

2. The only reason assigned in the impugned order for rejecting the petitioner's request for grant of ordinary leave to her son is that the Probation Officer has not recommended to grant leave to the convict prisoner.

3. The learned counsel for the petitioner submitted that the petitioner requires the presence of her son/convict prisoner to arrange funds for her medical treatment and hence, she sought for an ordinary leave for a period of 30 days for her son. The learned counsel further submitted that the convict prisoner has undergone 3 years of imprisonment.



W.P.No.2400 of 2025

WEB COPY

4. The learned Additional Public Prosecutor has produced the particulars of the convict prisoner dated 25.01.2025, as well as the report of the Probation Officer dated 10.12.2024. The Probation Officer in his report has stated that the reason stated by the petitioner is false and hence, he has not recommended to grant leave to the convict prisoner.

5. By taking into consideration the period of incarceration undergone by the convict prisoner, as well as the reasons assigned in the affidavit filed in support of this petition, we are inclined to grant 21 days of ordinary leave to the petitioner's son/convict prisoner, by invoking our powers under Article 226 of the Constitution of India.

6. Accordingly, the impugned order dated 07.01.2025 passed in No.526840/Thaku2/2024 by the second respondent, is hereby quashed. Consequently there shall be a direction to the respondents herein, to grant 21 days ordinary leave ***“without escort”*** to the convict prisoner namely Sathishkumar, S/o.Nagarajan, aged about 37 years, bearing Convict No.8680, confined at Central Prison, Puzhal, commencing from **18.02.2025** to



W.P.No.2400 of 2025

10.03.2025, with a condition that the convict prisoner shall report before the jurisdictional Police i.e. J-8 Neelankarai Police Station, Chennai, daily at 10.30 A.M. After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on **10.03.2025** 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.



W.P.No.2400 of 2025

WEB COPY

To

1.The Deputy Inspector General of Prison,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.

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

3.The Inspector of Police,
J-8 Neelankarai Police Station,
Chennai.

4.The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.2400 of 2025

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and
N. SENTHILKUMAR, J.

Sni

W.P.No.2400 of 2025

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