



W.P.No.4149 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.4149 of 2025
and W.M.P.No.4655 of 2025

SARASU

... Petitioner/mother of the detenue

Vs.

1. The State Rep By
The Secretary To Government Of Tamilnadu,
Home Department,
(prison Branch-IV),
Fort St.George,
Chennai-600 009

2.The Director Inspector General Of Prison,
Coimbatore Range,
Coimbatore Central Prison,
Coimbatore-641 018

3.The Superintendent
Coimbatore Central Prison,
Coimbatore-641 018

4.The Superintendent

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Salem Central Prison,
Salem-636 007

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... 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 the records pertaining to the impugned order bearing No.608514/Tha.Ku3/2024 dated 31.12.2024 passed by the 4th respondent and quash the same and consecutively, direct the respondents to grant ordinary leave for 30 days, without escort to the detenue, Ajithkumar S/o.Sambu aged about 25 years, bearing Convict No.9975, confined at Central prison, Salem.

For Petitioner	: Ms.K.Akshaya
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 to call for the records pertaining to the impugned order bearing No.608514/Tha.Ku3/2024 dated 31.12.2024 passed by the 4th respondent, quash the same and consecutively, direct the respondents to grant ordinary leave for 30 days, without escort to the detenue, Ajithkumar S/o.Sambu aged about 25 years, bearing Convict



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No.9975, confined at Central prison, Salem.

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2. On the ground that the prisoner's presence is required for partitioning the family properties, as well as for making financial arrangements for the family, this application seeking for ordinary leave was rejected through an impugned order dated 31.12.2024, which is put under challenge in the present Writ Petition.

3. Pending the Writ Petition, the Probation Officer had conducted an enquiry and in his report dated 11.02.2025, he has stated that the reasons assigned by the petitioner that he is required to make financial arrangements, is false. This apart, he has also stated that the victim girl's house is very close to the prisoner's place and therefore has not recommended for grant of leave.

4. Under the Tamil Nadu Suspension of Rules, 1982, a convict prisoner who has only completed 01 year, 09 months and 28 days as on date, is not entitled to seek for ordinary leave, more particularly, when an appeal against conviction is pending.



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[M.S.R., J] [N.S., J]

27.02.2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No
Anu

To

1.The Secretary To Government Of Tamilnadu,
Home Department,
(prison Branch-IV),
Fort St.George,
Chennai-600 009

2.The Director Inspector General Of Prison,
Coimbatore Range,
Coimbatore Central Prison,
Coimbatore-641 018

3.The Superintendent
Coimbatore Central Prison,
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Salem Central Prison,
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5.The Public Prosecutor,
High Court, Madras.



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

Anu

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and W.M.P.No.4655 of 2025

27.02.2025