



W.P.No.3259 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.3259 of 2025

Vasantha

... Petitioner

Vs.

1.The State rep. by its,
The Home Secretary (Prison),
St.George Fort, Chennai – 600 009.

2.The Director General of Prison,
Gandhi Irwin Road, CMDA Building,
Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison - I (Convict),
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, to call for records pertaining to the impugned order in No.592203/taku2/2024 dated 07.01.2025 passed by the 3rd respondent and quash the same and consequently direct the respondents to grant 21 days ordinary leave to the



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convict namely Mr.Saleem, S/o.Yusuf, bearing convict PID No.44891.

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For Petitioner : Mr.I.Sidharthan
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

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

To the petitioner's request for grant of ordinary leave to her son namely Saleem, S/o.Yusuf, who is a convict prisoner, the Probation Officer, through his report dated 07.01.2025, has favourably recommended for grant of leave with escort.

2. Heard the learned counsel for the petitioner, as well as for the learned Additional Public Prosecutor appearing for the respondents.

3. The learned counsel for the petitioner submitted that the petitioner is the mother of the convict prisoner and she is diagnosed with respiratory ailments and she was advised to undergo treatment for the



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same. Since the family could not make financial arrangement for the same, she seeks the assistance of her son to make financial arrangement and also to assist her during the treatment. Hence a representation dated 13.12.2024 was sent to the respondents seeking ordinary leave.

4. It is seen that the Probation Officer in his report dated 07.01.2025, has stated that as per the rules of Tamilnadu Suspension of Sentence Rules 1982, the prisoners can be granted emergency leave to attend to seriously ill blood relatives. Since the petitioner has not enclosed the original Medical Certificate from a Medical Doctor in proof of serious sickness of her, the mother of the life convict prisoner, the petitioner's request could not be processed. He also submitted that as per the provisions given in Rule No.13 of the Tamil Nadu Suspension of Sentence Rules 1982, a convict prisoner can be granted a maximum of 15 days emergency leave in a year in 4 spells of 6+3+3+3 days.

5. In view of the favourable report of the Probation Officer, we are inclined to quash the impugned order passed in No.592203/taku2/2024 dated 07.01.2025 by the 3rd respondent.



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6. Accordingly, there shall be a direction to the respondents herein, to grant 15 days ordinary leave to the convict prisoner namely Saleem, S/o.Yusuf, “*without escort*” commencing from 20.02.2025 to 06.03.2025, with a further condition that he shall report before the jurisdictional Police i.e. P2, Otteri 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 07.03.2025 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.

7. With the above direction, the Writ Petition stands allowed. No costs.

[M.S.R, J.]

[N.S, J.]

06.02.2025

kas

Note: Issue Order Copy on 18.02.2025.



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To

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- 2.The Director General of Prison,
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- 3.The Superintendent of Prison,
Central Prison - I (Convict),
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- 4.The Public Prosecutor,
High Court, Madras.



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