



W.P.No.3762 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.3762 of 2025
and W.M.P.No.4170 of 2025

Kuppusami

...Petitioner/ brother of the detainee

Vs.

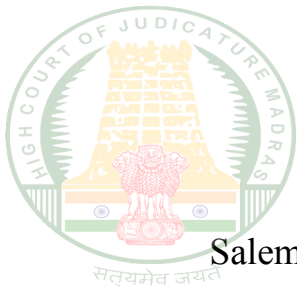
1.The State rep. by its
Deputy Inspector General of Prisons,
Head Quarters,
Egmore, Chennai-600 008

2.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore.

3.The Superintendent of Central Prison,
Salem, Salem District.

... 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.29426/Thaku-3/2024 dated 04.01.2025 passed by the third respondent and quash the same and subsequently, direct the respondents to grant 28 days of ordinary leave, without escort to the petitioner's brother viz., Semmalai, son of Kanthasamy, Convict No.99437, confined at Central prison,



W.P.No.3762 of 2025

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For Petitioner : Mr.C.Deepakkumar
For Respondent : 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.29426/Thaku-3/2024 dated 04.01.2025 passed by the third respondent and quash the same and subsequently, direct the respondents to grant 28 days of ordinary leave, without escort to the petitioner's brother viz., Semmalai, son of Kanthasamy, Convict No.99437, confined at Central prison, Salem.

2. Heard the learned counsel on either side and perused the documents.

3. The petitioner herein seeks for grant of 28 days of ordinary



W.P.No.3762 of 2025

leave, without escort, on the ground that the father of the prisoner passed away on 15.11.2024 and he requires of the presence of the prisoner for performing the funeral rites. It is further submitted that the prisoner has undergone 6 years, 5 months and 23 days of imprisonment.

4.The learned Additional Public Prosecutor produced a copy of the Probation Officer's report dated 24.12.2024, in which, the Probation Officer has not recommended for grant of leave since the reasons assigned by the petitioner is said to be false. He would submit that the representation of the petitioner was rejected by the third respondent vide order dated 04.01.2025 bearing No.29426/Thaku-3/2024. However, the convict prisoner is otherwise eligible for 28 days of leave.

5. Although the Probation Officer has not recommend for grant of leave, considering the fact that the convict prisoner has not availed ordinary leave even once, we are inclined to grant ordinary leave for a period of 28 days in exercise of our powers under Article 226 of the Constitution of India.

6. Accordingly, the detenue viz., Semmalai, son of Kanthasamy, Convict No.99437, is hereby granted ordinary leave for a period of 28



W.P.No.3762 of 2025

days, without escort, commencing from 10.00 am on 04.03.2025 to 5 pm of 31.03.2025. On expiry of the ordinary leave, the detenu shall surrender before the prison authorities. During the period of leave, the prisoner shall report before the Inspector of Police, Jalakandapuram Police Station, daily at 05.00 p.m. The Convict Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities.

7. Accordingly, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [N.S., J]
25.02.2025

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

Anu

Note: Issue Order Copy on 03.03.2025
Upload the order copy forthwith

To

1. Deputy Inspector General of Prisons,
Head Quarters,



W.P.No.3762 of 2025

Egmore, Chennai-600 008

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2.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore.

3.The Superintendent of Central Prison,
Salem, Salem District.

4.The Inspector of Police,
Jalakandapuram Police Station

5.The Public Prosecutor,
High Court, Madras.



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N.SENTHILKUMAR, J.

Anu

W.P.No.3762 of 2025
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