



WEB COPY



W.P.No.2893 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.2893 of 2025

and

W.M.P.No.3198 of 2025

Kanagavalli

.. Petitioner

Vs.

The State represented by its,

1.The Deputy Inspector of General of Prison,
Coimbatore Zone,
Coimbatore.

2.The Superintendent,
Coimbatore Central Prison,
Coimbatore.

.. 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.24457/Tha.Ku.3/2024, dated 17.01.2025, passed by the 2nd respondent and quash the same and consequently direct the respondents to grant ordinary leave for 28 days



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without escort to the detenue, Muthukumar, S/o.Senthivel, aged about 36 years, convict prisoner, bearing Convict No.14989 and PID No.479501 at Central Prison, Coimbatore.

For petitioner : Mr.S.Pandiyan
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 17.01.2025, rejecting the representation of the petitioner dated 30.12.2024.

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 as an appeal is pending before the Hon'ble Supreme Court, the convict prisoner is not eligible for grant of leave.

3.The learned counsel for the petitioner submitted that the



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petitioner has sought for ordinary leave for a period of 28 days to attend his sister's baby shower and to make financial arrangements for the petitioner's livelihood.

4.The learned Additional Public Prosecutor has produced the particulars of the life convict dated 28.01.2025 and the report of the Probation Officer dated 05.02.2025. The Probation Officer in his report stated about the current living status of the petitioner and the Probation Officer has not recommended for grant of ordinary leave for the convict prisoner. However, the learned Additional Public Prosecutor further submitted that the convict prisoner is eligible only for 21 days of ordinary leave.

5.By taking into consideration the period of incarceration undergone by the convict prisoner and the fact that the convict prisoner has not availed any type of leave during the period of incarceration 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.



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6. Accordingly, the impugned order dated 17.01.2025 bearing No.24457/Tha.Ku.3/2024 passed 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 petitioner's husband/life convict namely Muthukumar, S/o.Senthil Vel, aged 37 years, Convict No.14989 and PID No.479501, Central Prison, Coimbatore, commencing from **22.02.2025 to 14.03.2025**, with a condition that the life convict shall report before the jurisdictional Police i.e. H2 Guduvancheri Police Station, **daily at 10.30 A.M.** After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on **14.03.2025** 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)



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

NOTE : Issue order copy on 21.02.2025.

To

- 1.The Deputy Inspector of General of Prison,
Coimbatore Zone,
Coimbatore.
- 2.The Superintendent,
Coimbatore Central Prison,
Coimbatore.
- 3.The Inspector of Police,
H2 Guduvancheri Police Station,
Guduvancheri.
- 4.The Public Prosecutor,
High Court, Madras.

M.S.RAMESH, J.
and

N. SENTHILKUMAR, J.

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