



W.P.No.4692 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

CORAM :

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

W.P.No.4692 of 2025
and W.M.P.No.5201 of 2025

Mani

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu
Department of Home
Chennai 600 009

2.The Director General of Prison and
Director General of Police
Whannels Road, Ansari Estate
Egmore, Chennai

3.The Deputy Inspector General of Prison
Coimbatore Zone
Coimbatore District

4.The Superintendent
Central Prison
Coimbatore

5.The Inspector of Police
Mettupalayam Police Station
Coimbatore District

... Respondents



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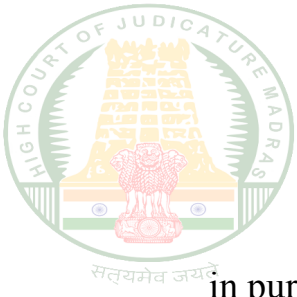
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records made in the impugned order No.19876/TaKu.3/2024 dated 30.12.2024 passed by the 4th respondent, and quash the same and direct the respondents to grant ordinary leave of 30 days without escort for the petitioner's son namely Siva @ Sivakumar, S/o.Mani baring PID No.30800, confined at Central Prison, Coimbatore, in pursuant to petitioner's representation dated 17.10.2024.

For Petitioner : Mr.A.Saranraj
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 for issuance of Writ Certiorarified Mandamus, to call for the records made in the impugned order No.19876/TaKu.3/2024 dated 30.12.2024 passed by the 4th respondent, and quash the same and direct the respondents to grant ordinary leave of 30 days without escort for the petitioner's son namely Siva @ Sivakumar, S/o.Mani baring PID No.30800, confined at Central Prison, Coimbatore,



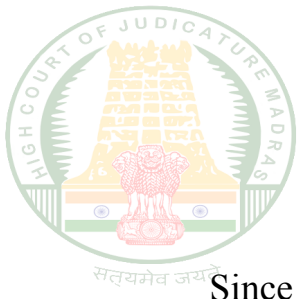
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in pursuant to petitioner's representation dated 17.10.2024.

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2. The learned counsel for the petitioner submitted that the petitioner is the father of the life convict. The parents of the convict are very aged and they suffer from various old age ailments. Further the convict prisoner met with an accident when he was on parole and his right leg was amputated below the knee. Therefore, the parents of the prisoner would like to have their son with them for some time and to take care of him and also to claim the insurance amount due to the prisoner for his treatment. Hence, a representation was sent to the respondents by the petitioner seeking 30 days ordinary leave, which has been rejected by the respondents vide impugned order No.19876/TaKu.3/2024 dated 30.12.2024 passed by the 4th respondent.

3. Learned Additional Public Prosecutor submitted that the petitioner's representation was rejected by the respondents as per Tamilnadu Suspension of Sentence Rule No.35, wherein it states that prisoners on whom a case is pending shall not eligible for ordinary leave.



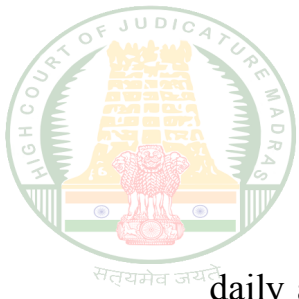
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Since the above convict is having a pending case in S.C.No.156 of 2023 on the file of Assistant Sessions Judge, Mettupalayam, the convict prisoner is not eligible for ordinary leave. The probation officer has stated in his report that the reasons given in the representation are true and the prisoner's parents are very old and they seek for his company in their last years.

4. Since the Probation Officer has given his recommendation for the grant of leave, this Court is inclined to direct the respondents to grant 28 days ordinary leave to the convict prisoner. Accordingly, the impugned order dated No.19876/TaKu.3/2024 dated 30.12.2024 passed by the 4th respondent is hereby quashed.

5. This Writ Petition stands allowed. There shall be a direction to the respondents herein, to grant 28 days ordinary leave ***“without escort”*** to the life convict viz. Siva @ Siva Kumar, S/o.Mani, bearing PID No.30800, commencing from 13.03.2025 to 09.04.2025, with a condition that the life convict shall report before the Mettupalayam Police Station,



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daily at 10.30 a.m. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authorities on 10.04.2025 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.

6. With the above direction, the Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

[M.S.R, J.] [N.S, J.]
06.03.2025

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Index: Yes / No
Neutral Citation

Note: Issue Order Copy on 11.03.2025

To.

1.The Secretary to Government of Tamil Nadu
Department of Home
Chennai 600 009

2.The Director General of Prison and
Director General of Police
Whannels Road, Ansari Estate
Egmore, Chennai



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3.The Deputy Inspector General of Prison
Coimbatore Zone
Coimbatore District

4.The Superintendent
Central Prison
Coimbatore

5.The Inspector of Police
Mettupalayam Police Station
Coimbatore District

6.The Public Prosecutor
High Court of Madras
Chennai

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