



W.P.No.4564 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.4564 of 2025
and W.M.P.No.5082 of 2025

Moorthy

... Petitioner

Vs.

1.The Home Secretary
Home Department (Prison)
Secretariat, Fort. St. George
Chennai 600 009

2.The Deputy Inspector General of Prison
Vellore
Vellore District

3.The Superintendent of Prison
Vellore Central Prison
Vellore 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 relating to the proceedings of the 3rd respondent in Ref. No.10985/thaku.3/2024 dated 09.01.2025 and quash the same and direct



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the 3rd respondent to grant 30 days ordinary leave without escort to the petitioner's son Vasanthakumar, S/o.Moorthy, bearing PID No.241844 confined at Central Prison, Vellore.

For Petitioner : Mr.P.M.Bazil
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 relating to the proceedings of the 3rd respondent in Ref. No.10985/thaku.3/2024 dated 09.01.2025 and quash the same and direct the 3rd respondent to grant 30 days ordinary leave without escort to the petitioner's son Vasanthakumar, S/o.Moorthy, bearing PID No.241844 confined at Central Prison, Vellore.

2. The learned counsel for the petitioner submitted that the petitioner is the father of the life convict. A representation was submitted to the 3rd respondent on 20.12.2024, seeking 30 days leave without escort on humanitarian grounds, stating that both the parents of the life convict



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are ill, the petitioner is a heart patient and the life convict needs to assist in arranging the marriage of his sister and securing funds for the same. Since the same was rejected by the respondents vide impugned order dated 09.01.2025, the petitioner is before this Court.

3. Learned Additional Public Prosecutor submitted that the petitioner's representation was rejected by the 3rd respondent as per the Tamilnadu Prison Manual III, Tamilnadu Suspension of Sentence Rule No.35, wherein it states that prisoners on whom a case is pending shall not eligible for ordinary leave. Since the above convict is having a pending case in Crime No.265 of 2023, U/s.294(b), 324, 506(ii) IPC, before DMCJM, Thiruvidadamarudhur, 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 the life convict is in a position to assist the parents to make arrangement for his sister's wedding.

4. Since the Probation Officer has given his recommendation for the grant of leave, this Court is inclined to direct the respondents to grant



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21 days ordinary leave to the convict prisoner. Accordingly, the proceedings of the 3rd respondent in Ref. No.10985/thaku.3/2024 dated 09.01.2025 is hereby quashed.

5. This Writ Petition stands allowed. There shall be a direction to the respondents herein, to grant 21 days ordinary leave ***“without escort”*** to the life convict viz. Vasanthakumar, S/o.Moorthy, bearing PID No.241844, confined at Central Prison, Vellore, commencing from 13.03.2025 to 02.04.2025, with a condition that the life convict shall report before the Sivagangai Police Station, daily at 10.30 a.m. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authorities on 03.04.2025 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.



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Index: Yes / No

Neutral Citation

Note: Issue Order Copy on 11.03.2025

To.

1.The Home Secretary
Home Department (Prison)
Secretariat, Fort. St. George
Chennai 600 009

2.The Deputy Inspector General of Prison
Vellore
Vellore District

3.The Superintendent of Prison
Vellore Central Prison
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4.The Public Prosecutor
High Court of Madras
Chennai

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[M.S.R, J.]

[N.S, J.]

06.03.2025

M.S.RAMESH, J.

and

N.SENTHILKUMAR, J.

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