



W.P.No.5749 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM :

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

W.P.No.5749 of 2025
and W.M.P.No.6329 of 2025

Sakthivel

...Petitioner/ brother of the detenue

Vs.

The State represented by its,
1.The Deputy Inspector General of Prison,
Coimbatore Zone,
Coimbatore-641 018.

2.The Superintendent,
Salem Central Prison, Salem.

... 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.23519/Tha.Ku-3/2024, dated 18.12.2024, passed by the second respondent and quash the same and consequently, direct the respondents to grant ordinary leave for 30 days, without escort to the detenue, Chinnathambi @ Bomma Naikkar, S/o.Thamma Naikkar, aged about 36 years, convict prisoner, bearing Convict No.9813 and PID No.289848 confined at Central prison, Salem.



WEB COPY



W.P.No.5749 of 2025

For Petitioner : Mr.S.Pandiyan
For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

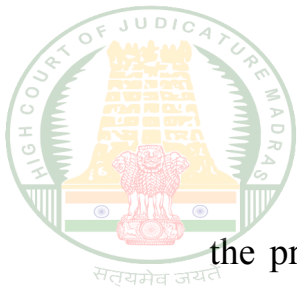
ORDER

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.23519/Tha.Ku-3/2024, dated 18.12.2024, passed by the second respondent and quash the same and consequently, direct the respondents to grant ordinary leave for 30 days, without escort to the detainee, Chinnathambi @ Bomma Naikkar, S/o.Thamma Naikkar, aged about 36 years, convict prisoner, bearing Convict No.9813 and PID No.289848 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 30 days of ordinary leave for his brother, without escort, on the ground that the presence of



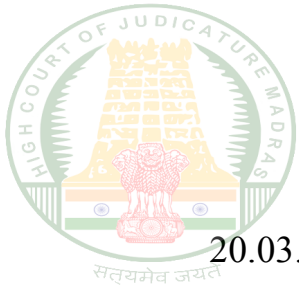
W.P.No.5749 of 2025

the prisoner is required to divide the joint family property. Further, the detainee has undergone 4 years, 6 months and 1 day of imprisonment.

4.The learned Additional Public Prosecutor produced a copy of the Probation Officer's report dated 13.12.2024, 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 prisoner is otherwise eligible for 21 days of ordinary leave.

5. Although the Probation Officer has not recommend for grant of leave, considering the fact that the convict prisoner has not availed leave even once, we are inclined to grant ordinary leave for a period of 21 days in exercise of our powers under Article 226 of the Constitution of India.

6. Accordingly, the impugned order bearing No.23519/Tha.Ku-3/2024, dated 18.12.2024 passed by the second respondent is quashed and the detainee viz., Chinnathambi @ Bomma Naikkar, S/o.Thamma Naikkar, aged about 36 years, is hereby granted ordinary leave for a period of 21 days, without escort, commencing from 10.00 am on



W.P.No.5749 of 2025

20.03.2025 to 5 pm of 09.04.2025. 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, Mecheri 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.

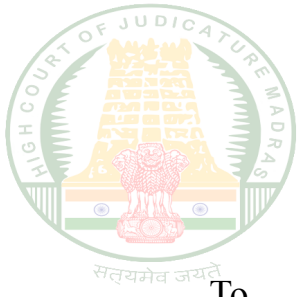
[M.S.R., J] [N.S., J]

12.03.2025

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

Anu

Note: Issue Order Copy on 19.03.2025
Upload the order copy forthwith



W.P.No.5749 of 2025

To
WEB COPY

1.The Deputy Inspector General of Prison,
Coimbatore Zone,
Coimbatore-641 018.

2.The Superintendent,
Salem Central Prison, Salem.

3.The Inspector of Police,
Mecheri Police Station

4.The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.5749 of 2025

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

Anu

W.P.No.5749 of 2025
and W.M.P.No.6329 of 2025

12.03.2025