



W.P.No.7680 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.7680 of 2025
and W.M.P.No.8624 of 2025

M.Karthik

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Chennai Range, Prison Head Quarters,
Whannels Road,
Egmore, Chennai – 600 008.

2.The Superintendent of Prisons,
Central Prison-1,
Puzhal, Chennai – 600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records connected with impugned order bearing reference No.473006/Tha.Ku.2/2024 dated 28.11.2024 passed by the second respondent and quash the same and directing the respondents to grant ordinary leave for 21 days without escort to the detenue, Mr.M.Karthik, S/o.Mr.Muniyandi, Hindu, aged about 30 years, PID No.407556, confined



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at Central Prison – I, Puzhal, Chennai – 600 066.

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For Petitioner : Mr.N.Vishnuvardhan
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 28.11.2024, rejecting the representation of the petitioner/life convict dated 05.11.2024 on the ground that the life convict has not completed three years of imprisonment and hence he is not eligible for grant of leave as per the rules of the Tamil Nadu Suspension of Sentence Rules.

2. The learned counsel for the petitioner submitted that the petitioner/life convict seeks for an ordinary leave to make arrangements of monetary funds for his mother's treatment. The learned counsel further submitted that the life convict has undergone more than three years of imprisonment.

3. The learned Additional Public Prosecutor has produced the



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performa of the petitioner/life convict dated 06.03.2025, which shows that the life convict has undergone 3 years, 2 months and 26 days of imprisonment including remand set-off. The learned Additional Public Prosecutor has also produced the report of the Probation Officer dated 04.12.2024, which states that conduct of the life convict during his previous leave was satisfactory and that the reasons assigned by the life convict in his representation are true.

4. Since the petitioner/life convict has completed three years of imprisonment, the reason for rejecting the petitioner's request for grant of 21 days ordinary leave has become redundant.

5. Accordingly, the impugned order dated 28.11.2024 passed in No.473006/Tha.Ku.2/2024 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/life convict namely M.Karthik, S/o.Muniyandi, aged about 30 years, PID No.407556, confined at Central Prison – I, Puzhal, Chennai – 600 066, commencing from **05.04.2025 to 25.04.2025**, with a condition that the life convict shall



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report before the jurisdictional Police i.e. P-3 Vyasarpadi Police Station, Chennai, **daily at 10.30 A.M.** After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on **25.04.2025** 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.

6. Incidentally, we have been facing several writ petitions where the Deputy Inspector General of Prisons has granted leave 'with escort' and the prisoners have expressed their inability to meet the expenses for the escort and have also pleaded that there is no threat to them or to the victim's family and therefore, the escort is not required.

7. Off course, the learned Additional Public Prosecutor has been responding to such pleas by stating that there could be a threat either to the prisoner or to the victim's family and in some cases, he would submit that since the convict prisoner is being granted leave for the first time, escort would be required as there may be a possibility of a prisoner to escape. In cases of these nature, the prison authorities have been producing a proforma before us, setting forth several details with regard to the convict



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prisoner's viz., the number of days of leave availed, etc.
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8. Since disputed facts are being put forth with regard to the necessity for grant of leave 'with escort', we hereby call upon the Inspector General of Prisons, to instruct all the Superintendent of Prisons in the State, to also incorporate a column in the aforesaid proforma with regard to (a) as to whether escort is required, (b) whether minimum or maximum escort is required and (c) if required, detailed reasons for such grant of escort.

9. In view of the above findings and directions, this Writ Petition stands allowed. No costs. Connected miscellaneous petition is closed.

[M.S.R, J.]

[N.S, J.]

28.03.2025

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

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Note: Issue Order Copy on 04.04.2025.



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

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To

1.The Deputy Inspector General of Prisons,
Chennai Range, Prison Head Quarters,
Whannels Road, Egmore, Chennai – 600 008.

2.The Superintendent of Prisons,
Central Prison-1, Puzhal, Chennai – 600 066.

3.The Inspector of Police,
P-3, Vyasarpadi Police Station,
Chennai.

4.The Public Prosecutor,
High Court, Madras.

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