



W.P.No.13138 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH
and
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

W.P.No.13138 of 2025
and W.M.P.No.14665 of 2025

V.Devagi

... Petitioner

Vs.

1.The Inspector General of Prisons
Correctional Service
Vellore Range, Vellore 632 002

2.The Superintendent of Prison
Central Prison, Cuddalore-4

... 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 records No.812199/Tha.Ku 2/2025 dated 10.03.2025 passed by the 2nd respondent and quash the same and consequently direct the respondents to grant 40 days ordinary leave to the petitioner's son namely Muthu, S/o.Vempuli, aged 42 years, Ct.No.10408 (PID No.38948), Convict Prisoner, now confined in the Central Prison, Cuddalore.



WEB COPY



W.P.No.13138 of 2025

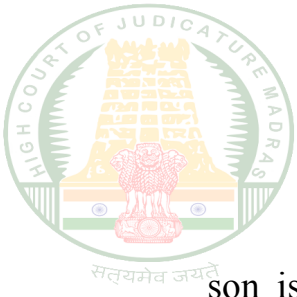
For Petitioner : Mr.P.Pugalenth
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

M.S.RAMESH, J.
AND
V.LAKSHMINARAYANAN, J.

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, to call for records in No.812199/Tha.Ku 2/2025 dated 10.03.2025 passed by the 2nd respondent and quash the same and consequently to direct the respondents to grant 40 days ordinary leave to the petitioner's son namely Muthu, S/o.Vempuli, aged 42 years, Ct.No.10408 (PID No.38948), Convict Prisoner, now confined in the Central Prison, Cuddalore.

2.The learned counsel for the petitioner submitted that a representation dated 03.03.2025 was sent to the respondents seeking for grant of 40 days ordinary leave to the petitioner's son. The convict prisoner has completed 20 years of his imprisonment. The petitioner's



W.P.No.13138 of 2025

WEB COPY

son is suffering from various ailments and undergoing treatment. The petitioner is also having sight deficiency problem and she needs to undergo surgery. The petitioner's dwelling house got damaged and they want to renovate the same. The respondents have rejected the representation of the petitioner citing Rule 21(b) of the Tamil Nadu Suspension of Sentence Rules, 1982, which restricts parole eligibility for convicts sentenced under Sections 395 and 397 I.P.C, as the convict prisoner did not return when he was released on emergency leave for 6 days from 12.01.2013 to 19.01.2013. He was recaptured only on 11.03.2015 and a case came to be registered U/s.224 IPC in Crime No.48 of 2013.

3. Learned Additional Public Prosecutor has produced a report of the Probation Officer dated 29.04.2025, which is in favour of the life convict and the Probation Officer has stated that the reasons for which the petitioner seeks ordinary leave is genuine.

4. Though the 2nd respondent rejected the representation of the



W.P.No.13138 of 2025

WEB COPY

petitioner vide its letter No.812199/Tha.Ku 2/2025 dated 10.03.2025, we are inclined to grant 30 days leave to the convict prisoner. We also record here that though the convict prisoner is eligible for 40 days of ordinary leave, it has been restricted to 30 days at the request of the petitioner. We also clarify that in case the convict prisoner seeks for remaining 10 days of ordinary leave within this year, the respondents shall not quote Rule 22(3) of the Tamil Nadu Suspension of Sentence Rules, 1982, as an embargo for rejecting his leave and shall consider it, if he is otherwise eligible.

5. This Writ Petition stands allowed accordingly. The impugned proceedings of the 2nd respondent in No.812199/Tha.Ku 2/2025 dated 10.03.2025 is hereby quashed. Consequently, there shall be a direction to the respondents herein, to grant 30 days ordinary leave **“without escort”** to the life convict viz. Muthu, aged about 42 years, S/o.Vempuli, Life Convict No.10408 (PID No.38948), commencing from 03.07.2025 to 03.08.2025, with a condition that the life convict shall report before the jurisdictional Police i.e. Tindivanam Police Station, daily at 10.30 a.m.



W.P.No.13138 of 2025

WEB COPY

After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 04.08.2025 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. No costs. Consequently, connected miscellaneous petition is closed.

[M.S.R, J.]

[V.L.N, J.]

27.06.2025

kas

Index: Yes / No

Speaking / Non Speaking

Neutral Citation

Note: Issue Order Copy on 02.07.2025

To

1.The Inspector General of Prisons
Correctional Service
Vellore Range, Vellore 632 002

2.The Superintendent of Prison
Central Prison, Cuddalore-4

3.The Public Prosecutor
High Court of Madras
Chennai

Page 5 of 6



WEB COPY



W.P.No.13138 of 2025

M.S.RAMESH, J.
and
V.LAKSHMINARAYANAN, J.

kas

W.P.No.13138 of 2025
and W.M.P.No.14665 of 2025

27.06.2025