



W.P.Crl.No.91 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

W.P.Crl.No.91 of 2025

and

W.P.M.P.Crl.No.48 of 2025

Shajahan

.. Petitioner

Vs.

The State represented by its,

1.The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St. George, Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Vellore Range, Vellore – 632 001.

3.The Superintendent,
Central Prison Vellore,
Vellore – 632 001.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order bearing No.RO-VLR/321/CAMP(A) dated: 26.03.2025, passed by the 2nd respondent and



W.P.Cr1.No.91 of 2025

quash the same and consecutively direct the 2nd respondent to grant ordinary leave for 40 days without escort to the detenu, Raja mugamadhu, S/o.Allapichai, aged about 53 years, convict prisoner, bearing Convict No – 23686, confined at Central Prison, Vellore.

For Petitioner : Mr.M.Elhilarasu
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

This Writ Petition has been filed challenging the impugned order dated 26.03.2025 of the 2nd respondent, rejecting the representation of the petitioner seeking grant of ordinary leave to his brother / life convict, on the ground that since the life convict has been sentenced under Section 396 of IPC, he is not eligible for ordinary leave.

2.The learned counsel for the petitioner submitted that the life convict's father is undergoing medical treatment due to his old age and hence, the petitioner / elder brother of the life convict has sought for ordinary leave for his brother. He further submitted that the life convict has undergone more than 22 years of imprisonment and therefore, sought for grant of ordinary leave.



W.P.Cr1.No.91 of 2025

WEB COPY

3.The learned Additional Public Prosecutor has produced the proforma of the life convict dated 17.06.2025 and report of the Probation Officer dated 16.12.2024. The Probation Officer in his report has mentioned that the reasons stated in the representation of the petitioner seeking leave for life convict is genuine, however, the Probation Officer has not recommended for grant of leave as the Police Inspector, Vridhachalam, has stated that if the life convict is released, law and order problem will arise.

4.Though the PO has not recommended for grant of leave to the life convict, we have taken into consideration the fact that the last leave availed by the life convict was 3 years back, as well as the reasons assigned in the affidavit filed in support of this petition, we are inclined to grant 28 days of ordinary leave to the petitioner's brother/life convict, by invoking our powers under Article 226 of the Constitution of India.

5.Accordingly, the impugned order dated 26.03.2025 passed by the 2nd respondent, is hereby quashed. Consequently there shall be a direction to the respondents herein, to grant 28 days ordinary leave “*without*



W.P.Cr1.No.91 of 2025

WEB COPY

escort” to the petitioner's brother/ life convict namely Rajamohammed, S/o.Allahpitchai, aged 54 years, PID No.36263, LCT.No.23688, confined at Central Prison, Vellore, commencing from **11.07.2025 to 07.08.2025**, with a condition that the life convict shall report before the jurisdictional Police i.e. Mandharakuppam Police Station, daily at 10.30 A.M. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on **07.08.2025 before 05.30 P.M.** The life convict 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.

Connected miscellaneous petition is closed. No costs.

(M.S.R., J)

(V.L.N., J)

04.07.2025

krk

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

NOTE : Issue order copy on 10.07.2025.



W.P.Cr1.No.91 of 2025

WEB COPY

To

- 1.The State represented by its,
The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai – 600 009.
- 2.The Deputy Inspector General of Prison,
Vellore Range,
Vellore – 632 001.
- 3.The Superintendent,
Central Prison Vellore,
Vellore – 632 001.
- 4.The Inspector,
Mandharakuppam Police Station.
- 5.The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.Crl.No.91 of 2025

M.S.RAMESH, J.
and

V.LAKSHMINARAYANAN, J.

krk

W.P.Crl.No.91 of 2025

04.07.2025