



*W.P.(Crl.) No.128 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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**DATED: 09.10.2025**

C O R A M

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

**AND**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**W.P.Crl. No.128 of 2025**

**and**

**W.P.M.P.Crl.No.63 of 2025**

Sathish Kumar

... Petitioner

-VS-

1. The State Rep. by its

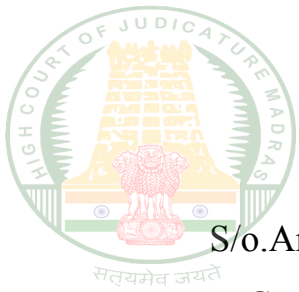
The Secretary to Government of Tamil Nadu,  
Home Department, Fort St.George,  
Chennai-600 009.

2. The Deputy Inspector General of Prison,  
Vellore Range, Vellore Central Prison,  
Vellore - 632 002.

3. The Superintendent,  
Cuddalore Central Prison,  
Cuddalore - 607 004.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order bearing No. 962221 / Tha.Ku.2 / 2025 dated 28.04.2025 passed by the 3<sup>rd</sup> respondent, quash the same and consecutively direct the respondents to grant Ordinary Leave for 40 days without escort to the detenue, Suresh @ Sureshkumar @ Suresh Pandi,



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S/o.Arjunan, aged about 45 years PID No.804, Convict No.14927, confined at Central Prison, Cuddalore.

For Petitioner : Ms.Archana  
For Dr.S.Manoharan

For Respondents : Mr.A.Gokulakrishnan  
Addl. Public Prosecutor

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### **ORDER**

*(By J.Nisha Banu,J.)*

This Writ Petition has been filed, challenging the impugned order dated 28.04.2025 of the 3<sup>rd</sup> respondent bearing No.962221/Tha.Ku.2/2025, whereby the request of the petitioner for grant of Ordinary Leave to the Convict Prisoner was rejected, on the ground that he absconded on previous occasion, when leave was granted.

2. Learned counsel for the petitioner submitted that in order to effect partition in the family, the presence of the detinue / Convict Prisoner is very much essential. He has been undergoing incarceration for about 20 years and he has undergone Inguinal Hernia in the month of May, 2025. Though the detinue is eligible for Ordinary Leave, the representation dated



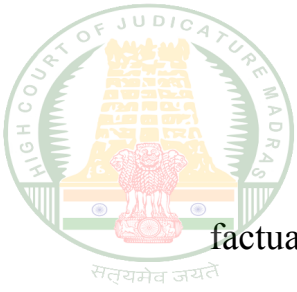
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26.04.2025 submitted by the detenue was not considered favourably by the 3<sup>rd</sup> respondent. Aggrieved by the same, the petitioner is before this Court, stating that the representation has been rejected in a mechanical manner without proper application of mind.

3. Learned Additional Public Prosecutor has contended that the Convict is not entitled to ordinary leave, as he availed Ordinary Leave for 28 days from 10.02.2025 to 09.03.2025 vide an order of this Court dated 04.02.2025. Moreover, the Convict has a bad antecedent, as he availed leave earlier and did not surrender before the Prison Authorities in time. Hence, he objected to the grant of parole to the Convict.

4. It is seen that the Convict Prisoner absconded in the year 2008 and thereafter, he was granted Ordinary Leave by this Court on 04.02.2025. The rejection order passed on the ground of overstay by the Convict on the earlier occasion is not tenable in law. According to the petitioner, in the absence of his brother / Convict, the partition of family property is not at all possible. By taking into consideration the overall



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factual scenario as well as the fact that the Convict Prisoner availed leave recently and there was no antecedent reported during his leave, we are inclined to grant 15 days of leave to the convict prisoner.

5. Accordingly, the respondents are directed to grant 15 days Leave 'without escort' to the Convict Prisoner, namely, Suresh @ Sureshkumar @ Suresh Pandi, S/o.Arjunan, PID No.804, Convict No.14927, commencing from **15.10.2025 to 29.10.2025**, subject to the usual / other conditions that may be imposed by the respondents. The Convict Prisoner shall report before **S.S.Kottai Police Station, Sivagangai** daily at 10.30am. After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on **30.10.2025 on or before 10.00am**. 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. Accordingly, this Writ Petition is allowed, by setting aside the impugned order of the 3<sup>rd</sup> respondent in bearing No. 962221/Tha.Ku.2/2025 dated 28.04.2025. No costs. Consequently,



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connected Miscellaneous Petition is closed.

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(J.N.B.J.,) (S.S.J.,)  
09.10.2025

Index: Yes / No  
Internet: Yes / No  
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**Note: Issue order copy on 14.10.2025**

To:

1. The Secretary to Government of Tamil Nadu,  
Home Department, Fort St.George,  
Chennai-600 009.
2. The Deputy Inspector General of Prison,  
Vellore Range, Vellore Central Prison,  
Vellore - 632 002.
3. The Superintendent,  
Cuddalore Central Prison,  
Cuddalore - 607 004.
4. The Inspector of Police,  
S.S.Kottai Police Station,  
Sivagangai.
5. The Public Prosecutor,  
High Court, Madras.

**J.NISHA BANU, J.**



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**AND**  
**S.SOUNTHAR, J.**  
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