



WEB COPY

WP CrI. No. 349 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-10-2025

CORAM

THE HONOURABLE MRS JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

W.P.CrI. No. 349 of 2025

and W.P.M.P.CrI.No.161 of 2025

1. Pechiyammal

w/o. Chinnathambi, D.No.234/360,
Udaiyarkadu, Central, Jail Backside,
Salem District - 642004.

Appellant(s)

Vs

1. The State represented by its, The
Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore - 641018.

2.The Superintendent,
Salem central Prison, Salem.

Respondent(s)

PRAYER:The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order bearing No.745/Mu.U/2025. dated



02.07.2025, passed by the 1st respondent and quash the same and consequently direct the respondents to grant ordinary leave for 28 days without escort to the detenue, Mathesh, S/o. Chinnathambi aged about 36 years, Convict prisoner, PID No.24161, at Central Prison, Salem.

For Petitioner : Mr.S.Pandiyan

For Respondent(s): Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

J. NISHA BANU, J.

and

S. SOUNTHAR, J.

This Writ Petition has been filed to direct the respondents to grant ordinary leave of 28 days to the petitioner's son, Mathesh, S/o. Chinnathambi, aged about 36 years, PID No.24161, confined at Central Prison, Salem.

2. The petitioner herein seeks grant of 28 days of ordinary leave for her son on the ground that she requires his presence to arrange funds for the livelihood of the family. Further, the convict has already undergone 9 years, 1 month and 18 days of imprisonment.

3. The learned Additional Public Prosecutor produced a copy of the Probation Officer's report dated 18.08.2025, in which, the Probation Officer has not recommended for grant of leave as the reasons assigned by the petitioner are found to be false.



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4. Heard the learned counsel on either side and perused the documents.

5. Even though the Probation Officer has not recommended the grant of leave, considering the fact that the convict prisoner has not availed any leave so far, in exercise of powers under Article 226 of the Constitution of India and keeping in line with the decision of the Hon'ble Supreme Court in '*Dadu alias Tulsidas Vs. State of Maharashtra*' reported in '*(2000) 8 SCC 437*', this Court is inclined to grant leave for a period of 15 days to the convict, as this Court is convinced with the reasons stated by the petitioner in the affidavit filed in support of the petition.

6. Accordingly, the impugned order dated 02.07.2025 passed by the first respondent bearing No.745/Mu.U/2025, is hereby quashed. Consequently, the convict viz., Mathesh, S/o.Chinnathambi, aged about 36 years, PID No : 24161, confined at Central Prison, Salem, is hereby granted ordinary leave for a period of 15 days, **with minimum escort, commencing from 13.10.2025 to 27.10.2025**. On expiry of the leave, the convict shall surrender before the prison authorities on **28.10.2025 before 10.00 a.m.** The expenses for the Escort shall be borne by the petitioner.



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7. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(J.NISHA BANU J.) (S.SOUNTHAR J.)
08-10-2025

ASI

Note: Issue order copy on or before 10.10.2025

To

1. The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore - 641018.

2. The Superintendent,
Salem central Prison, Salem.

3. The Public Prosecutor,
High Court of Madras, Chennai.



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