

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-09-2025

CORAM:

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

AND

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

**W.P.(CrI.)No.533 of 2025**

**and**

**W.P.M.P.No.257 of 2025**

M.S.Boopalan  
S/o Mathiyazhagan

... Petitioner

Vs.

1. The State rep. by its  
Deputy Inspector General of Prison,  
Office of the Deputy inspector General of Prison,  
Coimbatore Range, Gandhipuram - 18.

2. The Superintendent of Prison,  
Central Prison at Salem,  
Hasthampatty, Salem - 636 007.

... Respondents

**PRAYER:** The Writ Petition has been filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus to call for the records pertaining with an impugned proceedings No.12904/த.கு.4/2025 DATED 17.07.2025 passed by the 2nd respondent to grant 40 days leave without escort to the father of petitiner/ Convict namely Mr.Mathi @ Mathiyazhagan, s/o Sitha Gounder (PID

No.9980)

For Petitioner : Mr.M.Mohammed Saifulla

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

**ORDER**

**J.Nisha Banu,J.**  
**and**  
**S.Sounthar,J.**

This Writ Petition has been filed challenging the order passed by the 2nd respondent dated 17.07.2025 and to grant 40 days leave without escort to the father of petitioner/ Convict namely Mr.Mathi @ Mathiyazhagan, S/o Sitha Gounder (PID No.9980), confined at Central Prison, Salem.

2. The petitioner herein is the son of the detenu and he seeks for grant of 40 days of ordinary leave to his father to make arrangement for the livelihood of his family and to arrange funds to do repair work in their house which is in dilapidated condition. He would further state that his father is in prison for more than 17 years.

3.The learned Additional Public Prosecutor produced a copy of the Probation Officer's report dated 17.09.2025, wherein the Probation

Officer has stated that the reasons assigned by the petitioner are found to be true, however he objected for grant of leave stating that only in July 2024, he was granted 40 days leave.

4. The learned Additional Public Prosecutor further submitted that the petitioner's father namely, Mathi @ Mathiyazhagan, was convicted under Sections 449, 396(9 counts) and 395 I.P.C. and therefore, he opposed for granting leave to the convict.

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

6. Even though the Additional Public Prosecutor has objected for grant of leave to the petitioner's father, 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 20 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.

7. Accordingly, the impugned order dated 17.07.2025 passed by the second respondent, is hereby quashed. Consequently, the convict viz., Mathi @ Mathiyazhagan, S/o Sitha Gounder PID.No.9980, confined at Central Prison, Salem, is hereby granted ordinary leave for a period of 20 days, **without escort**, commencing **from 23.09.2025 to 13.10.2025**. On expiry of the leave, the convict shall surrender before the prison authorities on **14.10.2025 before 10.00 a.m.** During the period of leave, the prisoner shall report before the **Inspector of Police, Annathanapatty Police Station, Salem District** twice a week on Wednesday and Saturday at 10.30 a.m.. The Convict Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities.

8. Accordingly, the Writ Petition is ordered in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

**(J.NISHA BANU, J.) (S. SOUNTHAR, J.)**

**19-09-2025**

vsi

**Note:** Issue order copy on 23.09.2025

To

1. The Deputy Inspector General of Prison,  
Office of the Deputy inspector General of Prison,  
Coimbatore Range, Gandhipuram - 18.
2. The Superintendent of Prison,  
Central Prison at Salem,  
Hasthampatty, Salem - 636 007.
3. The Superintendent of Prisons,  
Central Prison, Salem.
4. The Inspector of Police,  
Annathanapatty Police Station, Salem District
4. The Public Prosecutor,  
High Court of Madras, Chennai.

*W.P.(Clr.)No.533 of 2025*

**J. NISHA BANU, J.**  
**and**  
**S. SOUNTHAR, J.**

vsi

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