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WP CrI. No. 838 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-10-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE S. SOUNTHAR**

**W.P. CrI. No. 838 of 2025
and W.P.M.P. CrI.No.374 of 2025**

1. Nivetha

W/o. Babu, No.5/664, Sataiyankadu,
Vettaikaraniruppu, Nagapattinam
District-611112.

Appellant(s)

Vs

1. The Deputy Inspector General of Prisons
Prison and Correctional Service,
Vellore Range, Vellore-632002.

2.The Superintendent of Prison
Central Prison, Cuddalore-607004.

Respondent(s)

PRAYER

The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorrified Mandamus to call for the records No.RO/VLR/492/2025 CAMP(A) dated 05.06.2025 passed by the respondent No.1, and quash the same and consequently direct the respondents to grant 21 days ordinary leave to the petitioners husband namely A.Babu S/o.Anbazhagan (PID 36117) Convict prisoner, now confined in the central prison, Cuddalore.



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For Appellant(s): Mr. P.Pugalenth

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 21 days ordinary leave, without escort to the petitioner's husband / convict, namely, Babu, S/o.Anbazhagan, aged 38 years, C.T.No.16993 / PID No.: 361170, confined at Central Prison, Cuddalore.

2. The petitioner herein seeks for grant of 21 days of ordinary leave for her husband on the ground that she is suffering from a medical ailment and his presence is required for arranging funds towards her treatment and for making arrangements for the livelihood of their family. Further, the convict has undergone 4 years, 2 months and 10 days of imprisonment.

3.The learned Additional Public Prosecutor produced a copy of the Probation Officer's report dated 18.09.2025, wherein the Probation Officer has stated that the reasons assigned by the petitioner are found to be false and



therefore, he has not recommended for grant of leave.

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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 for grant of leave to the convict, considering the fact that the convict has completed 4 years of imprisonment, 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 21 days to the convict.

6. Accordingly, the impugned order dated 05.06.2025 passed by the first respondent, is hereby quashed. Consequently, the convict viz., **Babu, S/o.Anbazhagan**, aged about 38 years, C.T.No.16993 / PID No.: 361170, confined at Central Prison, Cuddalore, is hereby granted ordinary leave for a period of 21 days, **without escort**, commencing **from 17.10.2025 to 06.11.2025**. On expiry of the leave, the convict shall surrender before the prison authorities on **07.11.2025 before 10.00 a.m.** During the period of leave, the prisoner shall report before the **Inspector of Police, Vettaikaran Puthur Police Station, on every Monday and Friday at 10.00 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.



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7. Accordingly, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(J.NISHA BANU J.) (S.SOUNTHAR J.)
14-10-2025

ASI

Note: Issue order copy on or before 16.10.2025

To

1.The Deputy Inspector General of Prisons
Prison and Correctional Service,
Vellore range, Vellore-632002.

2.The Superintendent of Prison
Central Prison, Cuddalore-607004.

3. The Inspector of Police,
Vettaikaran Puthur Police Station.

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



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