



W.P.No.39079 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

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Sudha

... Petitioner

Vs.

1 Addl. Director Inspector General Of Police (prison),
Thalamuthu Irvin Road,
Egmore, Chennai.

2 Deputy Inspector General Of Prisons,
Central Prison, Coimbatore District.

3 Superintendent Of Prison
Central Prison, Coimbatore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 3rd respondent no. 15052/THAKU3/2024 dated 21.11.2024 and quash the same and consequently direct the 3rd respondent to Grant Special Leave for a period of 60 days to the petitioner's husband Sekar son of Kuruvan aged 42 years, who is confined in the 3rd respondent Prison without Police Escort pursuant to the Representation dated 19.08.2024 given to the 3rd respondent.

For Petitioner : Mr.M.Rajkumar

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



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

The rejection of the leave application by Superintendent of Prison in proceedings No.15052/THAKU3/2024 dated 21.11.2024, is sought to be assailed in the present writ proceedings.

2. The reason for rejection of leave application as per the impugned order is that the fact stated in the leave application is found to be incorrect. The Probation Officer submitted a report stating that, the wife of the prisoner is taking care of the mother of the prisoner and therefore, the presence of the prisoner may not be required.

3. The Probation Officer, in his report, has stated that the reasons assigned by the petitioner for grant of leave is incorrect. On enquiry, the Probation Officer found that the mother of the prisoner is not taking any treatment as stated in the leave application. However, the learned Additional Public Prosecutor would submit that the conduct of the prisoner inside the prison was found to be satisfactory by the prison authorities.

4. Considering the facts and circumstances, we are inclined to invoke our



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powers under Article 226 of the Constitution of India, thereby granting required

leave to the convict prisoner herein.

5. At this juncture, learned Additional Public Prosecutor submitted that the convict prisoner herein is eligible to avail only 21 days of ordinary leave.

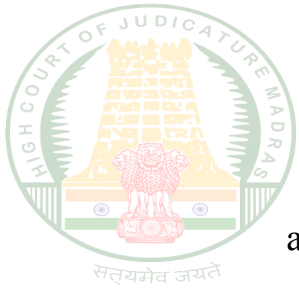
6. Accordingly, the convict prisoner viz., Sekar, son of Kuruvan aged 42 years, who is confined in the Central Prison, Coimbatore, is hereby granted ordinary leave for a period of **21 days**, without escort commencing from **11.01.2025** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Sekar, son of Kuruvan aged 42 years, who is confined in the Central Prison, Coimbatore on Ordinary Leave for a period of **21 days i.e., from 11.01.2025 to 31.01.2025**.

(ii) The Convict Prisoner shall be released on **11.01.2025** at 10.00 am and surrender before the Central Prison, Coimbatore on **31.01.2025** at 05.00 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Perunthrai Police Station everyday at 10.30 a.m., during the period of leave.

(iv) The Convict Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in



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any other activities.

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7. Accordingly, the writ petition stands allowed. No Costs. Consequently, the connected Miscellaneous Petitions, if any, are closed.

[S.M.S., J.]

[M.J.R., J.]

07.01.2025

Index: Yes/No

Speaking/Non-speaking order

gd

To

- 1 Addl. Director Inspector General Of Police (prison),
Thalamuthu Irvin Road,
Egmore, Chennai.
- 2 Deputy Inspector General Of Prisons,
Central Prison, Coimbatore District.
- 3 Superintendent Of Prison
Central Prison, Coimbatore District.
- 4 The Public Prosecutor,
High Court of Madras.



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