



WEB COPY

WP CrI. No. 658 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

WP CrI. No. 658 of 2026

AND

WPMP CrI. No. 214 OF 2026

Venkatesh
S/o. Perumal,
Convict Prisoner-PID No.237080,
Confining at Central Prison, Salem.

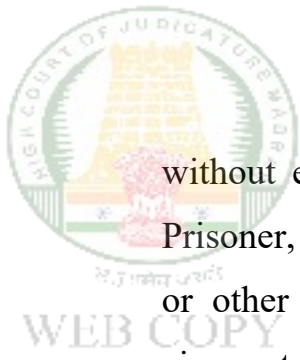
..Petitioner(s)

Vs

1. The State Rep by its,
The Deputy Inspector General of Range,
Coimbatore Range, Gandhipuram,
Coimbatore-641 012.
2. The Superintendent of Prison,
Central Prison at Salem, Hasthampatty,
Salem-07.

..Respondent(s)

Prayer: Writ petition filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus or any other appropriate writ, order or direction, to call for the records relating to the impugned order in No.1072/yp.2/2025 dated 07-10-2025 passed by the 1st respondent, quash the same, and consequently direct the respondents to grant 28 days, ordinary leave



without escort to the Petitioner namely Mr.Venkatesh S/o. Perumal, Convict Prisoner, PID No.237080 confining under 2nd respondent and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case.

For Petitioner(s): Mr.M.Mohamed Saifulla

For Respondent(s): Mr. S. Raja Kumar

Additional Public Prosecutor

Assisted By

Mr. M. Sylvester John

Order

(Order of the Court was made by Sunder Mohan J.)

Mr.S.Raja Kumar, learned Additional Public Prosecutor assisted by Mr.M.Sylvester John, learned counsel accepts notice for R1 and R2 and has received instructions in full. Hence, by consent of both learned counsel, this Writ Petition is disposed finally even at the stage of admission.

2. The petitioner who has been convicted for the offence under Section 4 read with 3 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to undergo life imprisonment has challenged the order denying his request for ordinary leave on the ground that he is not eligible under Rule 21(k) of the Tamil Nadu Suspension of Sentence Rules, 1982 [in short, 'the Rules'].

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.



4. Learned Additional Public Prosecutor would submit that when the ordinary leave was earlier granted, he returned to the prison in an inebriated condition and therefore his conduct was not good and hence, he is ineligible for leave in view of the amended Rule 21(k) of the Rules. He would fairly state that the Probation Officer has recommended the grant of leave, as the reasons for grant of leave is genuine.

5. Learned counsel for the petitioner would submit that there were no adverse reports against the petitioner in the preceding twelve months and the alleged misconduct is said to have been taken place on 28.07.2024. Learned Additional Public Prosecutor confirms the said fact.

6. Rule 21 of the Rules sets out the categories of prisoners, who are not eligible for ordinary leave. According to the respondents, the petitioner falls under Clause 'k' of the said Rule, which reads as follows:

“Prisoners, whose work and conduct have not been good during the preceding twelve months”.

7. Since there were no cases against the petitioner and there is no report of his conduct not being good during the preceding twelve months, we are of the view that the impugned order citing Rule 21(k) of the Rules, to deny the request for leave, is not justified. Since the Probation Officer has recommended leave, we set aside the impugned order and allow this Writ Petition. The



petitioner's request for grant of ordinary leave of 28 days without police escort is granted on the following conditions:

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(i)The respondents are directed to release the convict viz., Venkatesh, S/o.Perumal, aged about 36 years, confined at Central Prison, Salem, on ordinary leave for a period of twenty eight (28) days without escort i.e., from 27.03.2026 to 23.04.2026.

(ii)The convict shall be released on 27.03.2026 at 10.00 A.M. and is directed to surrender before the Superintendent of Prisons, Central Prison, Salem, on 24.04.2026 before 10.00 A.M.

(iii)The convict shall report before the All Women Police Station, Salem Town, twice a week, i.e., on every Monday and Thursday at 11.00 A.M, during the period of leave.

(iv)During the leave period, the Convict Prisoner shall abide by all the conditions prescribed in the Jail Manual.

Connected Miscellaneous Petition is closed.

(A.S.M.,J.) (S.M.,J.)
26-03-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note: Registry is directed to issue a copy of this order today. (i.e., 26.03.2026)



To

1. The Deputy Inspector General of Range,
Coimbatore Range, Gandhipuram,
Coimbatore-641 012.

2. The Superintendent of Prison,
Central Prison at Salem, Hasthampatty, Salem-07.

3. The Public Prosecutor,
High Court of Madras.

4. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St. George, Chennai – 9.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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