



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

WP CrI. No. 796 of 2026

AND

WPMP CRL. NO. 263 OF 2026

Vasanthi
W/o.Rathinasami,
No.36(1), M.Chettialayam,
Iduvai Village,
Tiruppur District.

..Petitioner(s)

Vs

1. The Government of Tamil Nadu, Rep. by its
Secretary to Government,
Home (Prison IV) Department,
Fort St.George, Chennai - 9.
2. The Deputy Inspector General of Prison,
Coimbatore Zone,
Coimbatore - 641 018.
3. The Superintendent of Central Prison,
Coimbatore Central Prison,
Coimbatore - 641 018.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in his proceedings dated 25.03.2026 made in No.293/Moo.Voo/2026 and quash the same and consequently direct the respondents to grant 30 days leave to the petitioner's son / detenue namely Navaneethakrishnan, Life Convict No.16412, detained at Central Prison, Coimbatore without police escort and



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pass such further or other orders and thereby render justice.

For Petitioner(s): M/s.D.Krishnamoorthy

For Respondent(s): Mr. C.R. Malarvannan, Counsel For Government
Of Tamil Nadu(criminal Side)

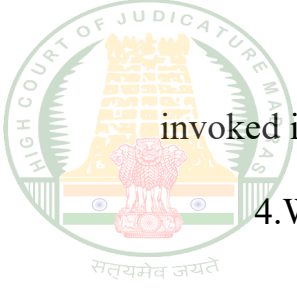
ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

This writ petition is filed by the mother of Navaneethakrishnan, who is a life convict at Central Prison, Coimbatore. The date of his conviction is 19.02.2013. He had sought ordinary leave of 28 days which has come to be rejected by the authority by an order dated 23.03.2026. The reason assigned is the bar under Rule 21(b) of the Tamil Nadu Suspension of Sentence Rules, 1982 (in short 'Rules').

2.Learned counsel for the petitioner Mr.D.Krishnamoorthy, assails the impugned order pointing out that the convict has completed more than 10 years of the sentence as on date and is hence eligible for the leave sought. He also draws attention to an order passed on 03.10.2024 in W.P.No.25838 of 2024 wherein his request for ordinary leave for 30 days without escort was accepted by this Court.

3.Per contra, Mr.C.R.Malarvannan, learned counsel for the authorities would rely on the Rules and submit that the offence committed by the convict was under Sections 394, 392 and 302 and hence the bar has been rightly



invoked in the convict's case.

4. We have heard both the learned counsel and also perused the material papers.

5. The Rules, specifically Rule 21(b) excludes those convicts who have been convicted for offences under Sections 392 to 407 of IPC from the grant of leave. The exonerating factors in this case are however many.

6. Firstly, this Court in an earlier writ petition has considered circumstances similar to those that we are faced with, in fact, worse circumstances where the convict had completed only 11 years of his sentence, but had granted leave.

7. Secondly no report has been obtained from the Probation Officer and learned counsel for the respondent would fairly accede to the position that there is no other circumstance/hurdle that stands in the way of the convict being granted leave, save, the bar of Rule 21(b).

8. Thirdly, and most importantly, the legal position has not been appreciated in proper context by the authorities. While Rule 21(b) would have been a hurdle had the leave been sought within the tenure of the sentence relating to Section 392, in this case that sentence has already been served by the convict as on 23.03.2026.

9. To clarify, date of conviction in this case is 19.02.2013, term of sentence under Section 392 is 10 years, and the aforesaid sentence has been served on 19.02.2023. Hence, to invoke the bar would be contrary to both law



and fact as the sentence under Section 392 does not stand in the way of the convict being granted leave any further.

10. Admittedly, there is no other circumstance that would militate against the grant of leave and he satisfies all other conditions for the same. We are hence inclined to grant ordinary leave of 28 days to the convict commencing from 06.06.2026, and subject to the following conditions.

(i) The respondents are directed to release the convict viz., Navaneethakrishnan, S/o. Rathinasami, aged about 37 years, confined at Central Prison, Coimbatore, on ordinary leave for a period of twenty eight (28) days without escort i.e., from 06.06.2026 to 03.07.2026.

(ii) The convict shall be released on 06.06.2026 at 10.00 A.M. and is directed to surrender before the Superintendent of Prisons, Central Prison, Coimbatore, on 04.07.2026 before 10.00 A.M.

(iii) The convict shall report before the Mangalam Police Station, Tiruppur District, once in a week, i.e., on every Monday at 10.30 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.

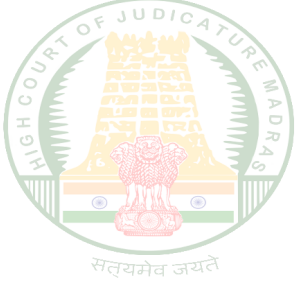
(A.S.M.,J.) (S.M.,J.)
04-06-2026

vs

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note to Registry: Issue order copy by 05.06.2026.



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To

1. The Government of Tamil Nadu, Rep. by its Secretary to Government,
Home (Prison IV) Department,
Fort St.George, Chennai - 9.
2. The Deputy Inspector General of Prison,
Coimbatore Zone,
Coimbatore - 641 018.
3. The Superintendent of Central Prison,
Coimbatore Central Prison,
Coimbatore - 641 018.
4. The Public Prosecutor, High Court, Madras.



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WP CrI. No. 796 of 2



**DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.**

VS

**WP CrI. No. 796 of 2026
AND
WPMP CRL. NO. 263 OF 2026**

04-06-2026