

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

WP CrI. No. 942 of 2026

AND

WPMP CRL. NO. 310 OF 2026

Bhuvaneshwari
W/o. Nagarajan,
Door No.3/86
A5, Rajaganapathy Nagar,
Mettur Dam,
Salem-636 401.

..Petitioner(s)

Vs

The State represented by its,

1. The Deputy Inspector General of Prison,
Central Prison Coimbatore,
Coimbatore Range,
Coimbatore-641 013.
2. The Superintendent,
Central Prison Salem,
Salem-637 007.

..Respondent(s)

Prayer: Writ petition filed under Article 226 of Constitution of India for issuance of a writ or order or orders or direction particularly in the nature of



WRIT OF CERTIORARIFIED MANDAMUS to call for the records pertaining to the Impugned Order bearing No.317/mu.vu.2/2026, dated 02-04-2026 passed by the respondent and quash the same and consecutively direct the respondents to grant ordinary leave for 40 days without escort to the detenue Nagarajan S/o. Mariappan aged about 58 years, PID No.35770, detained at Central Prison Salem, and pass such further or other orders as this Honorable Court may deem fit to the circumstances of the case and thus render justice.

For Petitioner(s): Ms.S.Maroshini

For Respondent(s): Mr. C.R. Malarvannan

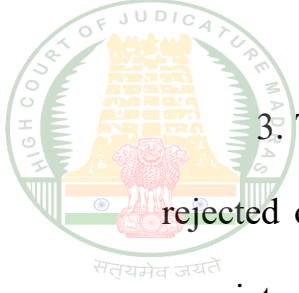
Counsel For Government Of Tamil Nadu
(Criminal Side)

Order

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

The wife of one Nagarajan (convict), S/o. Mariappan, male, aged 58 years, convicted and incarcerated from 20.10.2004 is before this Court challenging the rejection of ordinary leave for 40 days. The convict has undergone sentence of 24 years two months and four days as on 21.04.2026. In this period, he has availed leave of 210 days.

2. The counter filed by the respondents tabulates the leave granted to the convict and we find that emergency leave has been granted with escort at the instance of the authorities, and with the intervention of this Court on four occasions longer tenure of leave has been granted, twice without escort.



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3. The report of the Probation Officer is to the effect that leave should be rejected on the ground that there is threat to both the life and security of the convict as well as his family and those around him.

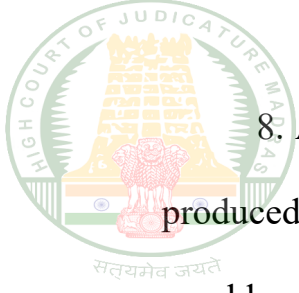
4. We do not wish second guess the threat factors as expressed by the Probation Officer. However, we also see that there is a requirement to balance the need for the convict to visit his family and the last leave availed by him was between 28.01.2025 to 24.02.2025, nearly 1 ½ years ago.

5. In the aforesaid circumstances, while setting aside the order of rejection, we direct the authorities to permit the convict to go on leave for a period of 40 days (his full entitlement).

6. Learned counsel for the petitioner would submit that the petitioner does not have resources to meet the cost of escort. As per Rule 16 of the Tamil Nadu Suspension of Sentence Rules, 1982, it is the convict who has to bear the cost of escort. Where the convict does not have the resources and provides a poverty certificate from an officer of the Revenue Department not lower than the rank that of the Tahsildhar, the State may be directed to provide necessary escort.

7. In the interests of completion, we extract the Rule 16 below:

“Escort at Government cost. – The cost of the police escort shall be born in full by the Government if the relative of the prisoner who makes the petition produces a poverty certificate from an Officer of the Revenue Department not lower in rank than that of Tahsildar. In such case, the amount if deposited in advance with the Superintendent of Prisons shall be refunded.”



8. As learned counsel for the petitioner states that such certificate will be produced, learned counsel for Government of Tamil Nadu (Criminal Side) would request two days from the date of production of the certificate in order to arrange the necessary escort.

9. Hence, the petitioner is permitted to make necessary arrangements to obtain the poverty certificate and produce the same before the authorities and the authorities are directed to act on the same as well as the directions of this Court in this order and permit the convict to avail leave of 40 days commencing from third day from the date of production of poverty certificate.

10. This writ petition is allowed. No costs. Connected miscellaneous petition is closed.

11. The convict shall surrender after availing the leave on the morning of the 41st day by 11.00 a.m., before the Superintendent of Prisons, Central Prison, Salem.

(A.S.M.,J.) (S.M.,J.)

04-06-2026

mpl

Index: Yes/No

Speaking order

Neutral Citation: Yes

To

1. The Deputy Inspector General of Prison,
Central Prison Coimbatore,



Coimbatore Range,
Coimbatore-641 013.

2. The Superintendent,
Central Prison Salem,
Salem-637 007.

3. The Public Prosecutor, High Court of Madras.



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