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W.P.Crl.No.112 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2026

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.Crl.No.112 of 2025
and
W.P.M.P.Crl.No.61 of 2025

Navamani
W/o.Kandasamy

... Petitioner

Vs.

1. The Home Secretary,
Home Department (Prison),
Secretariat, Fort St.George,
Chennai – 600 009.
2. The Deputy Inspector General of Prison,
Coimbatore Zone,
Coimbatore.
3. The Superintendent of Prison,
Central Prison,
Salem.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying to issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings in No.640/Thau2/2025 by the 2nd respondent dated 03.06.2025 and quash the same and direct the 2nd respondent to grant 28 days' ordinary leave without escort to petitioner's

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brother Duraisamy, S/o.Palanisamy, PID 20951, who is presently confined at Central Prison, Salem.

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For Petitioner : Mr.P.M.Basil

For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor,
assisted by Mr.M.Sylvester John

ORDER

[Order of the Court was made by P.VELMURUGAN, J.,]

This writ petition has been filed challenging the proceedings dated 03.06.2025 passed by the 2nd respondent in No.640/Thau2/2025, whereby the representation seeking 28 days' ordinary leave without escort for the convict prisoner Duraisamy, S/o.Palanisamy, PID 20951, presently confined in Central Prison, Salem, was rejected, and also for a consequential direction.

2. According to the petitioner, her brother Duraisamy, S/o.Palanisamy, was convicted for the offences under Sections 120(b), 147, 364 read with 120(b), 302 read with 149 and 201 read with 302 IPC and was sentenced to undergo imprisonment for life, in S.C.No.130 of 2012 by the learned II Additional District and Sessions Judge, Salem, by



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judgment dated 22.04.2013. It is the grievance of the petitioner that, there is an urgent necessity to carry out renovation of their residential house, which is in a highly dilapidated condition, and for the said purpose, the presence and assistance of her brother, the convict prisoner, is required. Hence, the convict prisoner made a representation dated 27.12.2024 to the prison authorities seeking 28 days' ordinary leave without escort. However, the second respondent rejected the representation. Hence, the present petition.

3. The learned counsel submitted that the convict prisoner has already undergone more than eleven years of imprisonment and has neither been granted nor availed any kind of parole or leave since the date of his conviction. He has contended that as per the provisions of Rule 22 of the Tamil Nadu Suspension of Sentence Rules, 1982, the convict prisoner is eligible to be granted ordinary leave, however, the second respondent erred in rejecting the representation seeking such leave.

4. The learned Additional Public Prosecutor by referring to the status report of the third respondent, submitted that subsequent to the filing of the present petition, a report was called for from the Probation Officer, Salem, who, after due enquiry, submitted a report stating that the

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reasons assigned in the leave application are genuine and recommended the grant of leave to the convict prisoner. He further submitted that based on the said report, the leave application of the convict prisoner would be considered in accordance with law.

5. Considering the facts and circumstances, the submissions made by the learned Additional Public Prosecutor and the report of the Probation officer, this Court is of the view that the impugned proceedings dated 03.06.2025 passed by the second respondent is liable to be quashed.

6. In the result, this Writ Petition is allowed and the impugned proceedings dated 03.06.2025 passed by the second respondent in No.640/Thau2/2025, is hereby quashed. Consequently, connected miscellaneous petition is closed. The second respondent is directed to reconsider the representation dated 27.12.2024 submitted by the convict prisoner and pass orders afresh, based on the report submitted by the Probation Officer, Salem, in accordance with law, as expeditiously as possible.

(P.V., J.) (M.J.R., J.)
07.01.2026

Internet : Yes/No
Index : Yes / No
Speaking Order / Nonspeaking order
Neutral Citation : Yes / No
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To

1. The Home Secretary,
Home Department (Prison),
Secretariat, Fort St.George,
Chennai – 600 009.
2. The Deputy Inspector General of Prison,
Coimbatore Zone,
Coimbatore.
3. The Superintendent of Prison,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court, Madras.



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**P.VELMURUGAN, J.,
and
M.JOTHIRAMAN, J.,**

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