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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2026

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

W.P.Crl.No.2738 of 2026

CNR: {HCMA012445422026}

Sellammal

..Petitioner(s)

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.

4. The Inspector of Police,
   Rasipuram Police Station,
   Namakkal District,
   Rasipuram – 637 408.

..Respondent(s)

Prayer: Writ Petition (Criminal) filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in No.828/Kc2/2025, by the 2nd respondent dated 09.09.2026, quash the same and consequently, direct the 2nd respondent to grant ordinary leave without escort to the petitioner's son, Velu, S/o. Kandasamy, PID No.449202, presently confined in the Central Prison, Salem.

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For Petitioner(s) : Mr.N.Nagarjuna

For Respondent(s) : Mr.C.R.Malarvannan,
Additional Public Prosecutor

ORDER

(Made by A.D.JAGADISH CHANDIRA, J.)

This Writ Petition (Criminal) has been filed challenging the order dated 09.09.2026 passed by the 2nd respondent bearing No.828/Kc2/2025, rejecting the request of the petitioner's son/convict prisoner for grant of ordinary leave and seeking a consequential direction to the 2nd respondent to grant ordinary leave without escort to the petitioner's son, Velu, S/o. Kandasamy, PID No.449202, who is presently confined in the Central Prison, Salem.

2. The brief facts of the case are as follows:-

2.1 The petitioner's son was convicted for the offences under Sections 366 and 376(1) of IPC and sentenced to undergo rigorous imprisonment for periods of seven years and ten years respectively, *vide* judgment dated 30.01.2023 passed in S.C.No.45 of 2014 by the learned Sessions Judge, Mahalir Neethimandram, Salem and the sentences were ordered to run concurrently. The said conviction and sentence were subsequently confirmed by this Court, *vide* judgment dated 01.08.2025 passed in Crl.A.No.519 of 2023. Consequently, the petitioner's son has been confined in prison as a convict prisoner for about four years.

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2.2 The petitioner is a sexagenarian and is suffering from various age-related ailments. Due to her advanced age and medical condition, she requires assistance to attend to her medical needs. Since she is in need of assistance and moral support of her son, the convict prisoner submitted a representation to the respondents seeking grant of ordinary leave. However, the 2nd respondent, *vide* impugned order dated 09.09.2026, rejected the request of the petitioner's son/convict prisoner on the ground that neither the Probation Officer nor the Superintendent of Prison recommended the case for grant of ordinary leave. Challenging the said order of rejection, the petitioner has approached this Court.

3. Learned counsel for the petitioner made the following submissions:-

3.1 The petitioner is suffering from various age-related ailments and requires the presence of her son/convict prisoner to provide both moral and medical support. However, without considering these material facts, the 2nd respondent rejected the request of the petitioner's son/convict prisoner for grant of ordinary leave, which is *ex facie* unsustainable.

3.2 The convict prisoner is also suffering from mental illness, and only if he is granted leave, he will be able to undergo necessary medical treatment and make arrangements for the petitioner's medical care. Furthermore, the petitioner gives an undertaking that she will take care of the convict prisoner during the leave period and ensure his timely return to the prison upon its expiry. The

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convict prisoner is otherwise eligible for the grant of ordinary leave without escort.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondents made the following submissions:-

4.1 During the enquiry, the reasons assigned by the petitioner's son/ convict prisoner for grant of ordinary leave were found to be false, thereby, necessitating the rejection of the representation. Further, though the petitioner contends that both she and her son are suffering from ailments, no medical evidence has been placed on record to substantiate the said claims. Hence, the 2nd respondent rightly rejected the request of the petitioner's son, *vide* the impugned order, which suffers from no illegality or infirmity.

4.2 Even if this Court is inclined to grant leave, since this is the first leave application of the convict prisoner, the same must necessarily be ordered only with an escort.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, and taking into consideration the fact that the petitioner is a sexagenarian, this Court is inclined to set aside the impugned rejection order.

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7. Accordingly, the impugned rejection order dated 09.09.2026 passed by the 2nd respondent, is hereby set aside and consequently, the 2nd respondent is directed to grant 21 days ordinary leave without escort to the petitioner's son / convict prisoner with the following directions:-

(i) The petitioner shall produce all necessary documents, along with a copy of this order, before the prison authorities;

(ii) On expiry of the leave, the detenu shall surrender before the prison authorities without fail;

(iii) During the leave period, the convict prisoner shall report before the 4th respondent Police, daily at 06.30 p.m., without fail and shall strictly abide by all the conditions prescribed in the Prison Manual; and

(iv) The convict prisoner shall utilize the leave only for the reason for which it has been granted and shall not partake in any other activities.

8. With the above directions and observation, this Writ Petition (Criminal) stands **allowed**. No costs.

(A.D.J.C., J.) **(B.K., J.)**
30.10.2026

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Neutral Citation: Yes/No

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To:

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Home Department (Prison),
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Chennai – 600 009.

2. The Deputy Inspector General of Prison,
Coimbatore Zone, Coimbatore.

3. The Superintendent of Prison,
Central Prison, Salem.

4. The Inspector of Police,
Rasipuram Police Station,
Namakkal District,
Rasipuram – 637 408.

5. The Public Prosecutor,
Madras High Court.

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AND
B.KARTHIKEYAN, J.

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