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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2026

CORAM

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

AND

THE HON'BLE MR.JUSTICE B.KARTHIKEYAN

W.P.Crl.No.2842 of 2026

CNR: {HCMA012499362026}

Chinnathambi

..Petitioner(s)

Vs.

1. The Home Secretary,
   Home Department (Prison-IV),
   Secretariat,
   Fort St George, Chennai – 600 009.

2. The Deputy Inspector General of Prisons,
   Coimbatore Region,
   Central Prison, Coimbatore – 641 018.

3. The Superintendent of Prison,
   Central Prison, Coimbatore – 641 018.

4. The Inspector of Police,
   Kottur Police Station,
   Pollachi. Coimbatore District – 642 114.

..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 entire records pursuant to the rejection order passed by the 2nd respondent, vide No.763/ThaOo1/2026 dated 30.07.2026 with a consequential direction to the respondents to grant 30 days ordinary leave to petitioner detained at Central Prison, Coimbatore, without police escort.

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For Petitioner(s) : Mr.B.Karthik

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 30.07.2026 passed by the 2nd respondent in No.763/ThaOo1/2026, rejecting the petitioner's request for grant of 30 days ordinary leave and seeking a consequential direction to the respondents to grant 30 days ordinary leave without police escort to the petitioner/convict prisoner, who is now detained in the Central Prison, Coimbatore.

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

2.1 The petitioner was convicted and sentenced to life imprisonment pursuant to the judgment dated 12.04.2017 passed in S.C.No.174 of 2013 on the file of the Mahila Court, Tiruppur. The said judgment was subsequently confirmed by this Court, *vide* judgment dated 30.07.2019 made in Crl.A.No.694 of 2017, and further affirmed by the Apex Court, *vide* order dated 03.10.2023 made in SLP(Crl.)No.12797 of 2023. Consequently, the petitioner is undergoing incarceration as a life convict and has been confined in prison for about 10 years and four months.

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2.2 Since the petitioner's mother is suffering from various ailments, it has become necessary to partition the family properties during her lifetime and also to take care of his aged mother. As the petitioner's personal appearance is required for the same, he made a representation before the respondents on 24.07.2026, seeking to grant 30 days of ordinary leave. However, the second respondent, *vide* impugned order dated 30.07.2026, mechanically rejected the petitioner's request for grant of ordinary leave, despite the recommendation made by the Probation Officer, solely based on the report of the jurisdictional police stating that there is a threat to the petitioner's life. Hence, the petitioner/ convict prisoner has come up with this petition.

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

3.1 The Probation Officer, who had conducted an enquiry, had given a favourable report recommending the case of the petitioner/convict prisoner. However, solely based on the vague report of the jurisdictional police stating that there is a threat to the life of the petitioner/convict prisoner, the 3rd respondent did not recommend the petitioner's case. Subsequently, the second respondent, *vide* the impugned order, rejected the petitioner's request for grant of ordinary leave, which is wholly unsustainable.

3.2 Further, the petitioner/convict prisoner was on bail during the trial and was also granted suspension of sentence during the pendency of the appeal and

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the petitioner/convict prisoner had not misused the said liberty. That apart, the petitioner/convict prisoner was earlier granted leave with escort for one day, and he had complied with the conditions imposed by this Court without any default and returned to prison upon completion of the leave period. Therefore, the petitioner/convict prisoner is eligible for grant of ordinary leave.

3.3 Further, the second respondent had miserably failed to consider the health condition of the petitioner's mother and the necessity for the petitioner/ convict prisoner to take care of her and also the fact that the petitioner/convict prisoner has been confined in prison for about 10 years and four months. Even otherwise, the petitioner/convict prisoner is entitled to ordinary leave for a period of 30 days.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondents submitted that the impugned order rejecting the petitioner's request for grant of ordinary leave was passed by the 2nd respondent solely in the interest of the petitioner’s own safety in view of the life threat to the petitioner/ convict prisoner, as stated in the report of the jurisdictional police. Further, though the petitioner had sought 30 days of ordinary leave, he is entitled to only 28 days of ordinary leave.

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

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6. Considering the facts and circumstances of the case, and also the previous conduct of the petitioner/convict prisoner when he was on bail during the trial and during the subsequent period when he was granted suspension of sentence, this Court is inclined to set aside the impugned order.

7. Accordingly, the impugned rejection order dated 30.07.2026 passed by the second respondent is hereby set aside. Consequently, the second respondent is directed to grant 28 days of ordinary leave without escort to the petitioner/ convict prisoner with the following directions:-

(i) On expiry of the leave, the petitioner/convict prisoner shall surrender before the prison authorities without fail;

(ii) During the leave period, the petitioner/convict prisoner shall report before the fourth respondent police daily at 6.30 p.m., without fail, and shall strictly abide by all the conditions prescribed in the Prison Manual and;

(iii) The petitioner/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. Accordingly, this Writ Petition (Criminal) stands **disposed of**. No costs.

(A.D.J.C., J.) **(B.K., J.)**
28.10.2026

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Neutral Citation: Yes/No

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To:

1. The Home Secretary,
Home Department (Prison-IV),
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Fort St. George, Chennai – 600 009.

2. The Deputy Inspector General of Prisons,
Coimbatore Region,
Central Prison, Coimbatore – 641 018.

3. The Superintendent of Prison,
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4. The Inspector of Police,
Kottur Police Station,
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5. The Public Prosecutor,
Madras High Court.

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AND
B.KARTHIKEYAN, J.

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