Order QR

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

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

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

W.P.Crl.No.2865 of 2026
and W.P.M.P.Crl.No.1050 of 2026

CNR: {HCMA012533932026}

Palanisamy ..Petitioner(s)

Vs

1. State Rep by,
   The Deputy Inspector General of Prison,
   Coimbatore Range,
   Coimbatore – 18.

2. The Superintendent of Prison,
   Central Prison, Salem – 07.

3. State represented By,
   The Inspector of Police,
   Nangavalli Police Station,
   Salem District. ..Respondent(s)

PRAYER: Writ Petition (Criminal) is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent vide his letter in No.732/தஉ1/2026 dated 13-8-2026 and quash the same and consequently direct the respondents to grant 21 days ordinary leave without escort, to the petitioner's son namely Srinivasan S/o Palanisamy is a Life Convict Prisoner vide PID No. 376731, aged about 22 years, who is presently confined in Central Prison, Salem, based on his representation given on 25.04.2026.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Petitioner(s): Ms. G.Ambika

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

ORDER

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

Challenging the order dated 13.08.2026, passed by the first respondent, rejecting the request of the petitioner for grant of twenty one days ordinary leave without escort to his son/convict prisoner and seeking a consequential direction to the respondents to grant twenty one days ordinary leave without escort to his son/convict prisoner, this writ petition (criminal) has been filed.

2. The case of the petitioner is that his son is a convict prisoner and that he is in incarceration pursuant to the judgment dated 21.03.2023, passed in S.C.No.74 of 2022, on the file of the Mahalir Neethimandram, Salem. It is the further case of the petitioner that he had sent a representation dated 25.04.2026 to respondents 1 and 2 seeking ordinary leave for his son since he fell ill and requires the assistance of his son to take him to hospital for medical treatment. However, though the Probation Officer has recommended the case of the convict prisoner, the first respondent, by the impugned order dated 13.08.2026, rejected the same based on the report given by the jurisdictional police that there is a life threat to the convict prisoner. Challenging the same, the present writ petition has been filed before this Court.

https://www.mhc.tn.gov.in/judis

WEB COPY

3. Learned counsel for the petitioner submitted that since the petitioner fell ill, the presence of his son/convict prisoner is required to attend to him. She further submitted that the Probation Officer had also recommended the case of the convict prisoner, however, based on the adverse report given by the jurisdictional police, the first respondent rejected the petitioner's request. She further submitted that the petitioner's son/convict prisoner has undergone imprisonment for a period of four years, eleven months and twenty eight days and has not availed leave on a single occasion.

4. Learned Additional Public Prosecutor submitted that while the Probation Officer had recommended the grant of leave to the petitioner's son/convict prisoner, the jurisdictional police had, on the contrary, given a report stating that there is a life threat to him and that there is a possibility of a law and order problem.

5. Heard both sides and perused the materials available on record, including the proforma produced by the respondents.

6. Having perused the materials on record, it is seen that the Probation Officer has recommended granting leave to the petitioner's son/convict prisoner and the reason stated by the petitioner in his request is also true. Taking into consideration the fact that the petitioner's son/convict prisoner has undergone

https://www.mhc.tn.gov.in/judis

WEB COPY

imprisonment for a period of close to five years and is eligible for leave as recommended by the Probation Officer, we are inclined to set aside the impugned order.

7. Accordingly, the impugned rejection order dated 13.08.2026, passed by the first respondent, is hereby set aside and consequently, the first respondent is directed to grant **10 days** ordinary leave to the petitioner's son/convict prisoner (PID No.376731), **with required escort**, subject to the following directions:-

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

(ii) During the leave period, the convict prisoner shall report before the third respondent police, everyday at 06.30 p.m., without fail and shall strictly abide by all the conditions prescribed in the Prison Manual;

(iii) The convict prisoner shall report back to the second respondent on completion of the leave period, without fail; and

(iv) The convict prisoner shall utilise the leave only for the reason for which it has been granted and shall not partake in any other activity; and

https://www.mhc.tn.gov.in/judis

WEB COPY

8. With the above directions. this Writ Petition (Criminal) is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

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

29-10-2026

Neutral Citation: Yes/No

ham

To

1. The Deputy Inspector General of Prison,
   Coimbatore Range,
   Coimbatore-18.

2. The Superintendent of Prison
   Central Prison, Salem-07.

3. The Inspector of Police
   Nangavalli Police Station,
   Salem District.

4. The Public Prosecutor,
   High Court of Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

A.D.JAGADISH CHANDIRA, J.
AND
B.KARTHIKEYAN, J.

ham

W.P.Crl.No.2865 of 2026
and W.P.M.P.Crl.No.1050 of 2026

29-10-2026

https://www.mhc.tn.gov.in/judis