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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-10-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

AND

THE HON'BLE MR.JUSTICE GK.MUTHUKUMAAR

Writ Petition Criminal No.2827 of 2026
and
W.P.M.P.(Crl.) No.1044 of 2026

CNR: {HCMA012566202026}

Abdul Javith
S/o.Abdul Rasheeth

..Petitioner

Vs

1. The State represented by its
   The Secretary to Government of Tamil Nadu,
   Home (Prison IV) Department,
   Secretariat of Tamil Nadu,
   Chennai.

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

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

4. The Superintendent of Police,
   Office of Police of Superintendent,
   Krishnagiri.

5. The Inspector of Police,
   Gurubarapalli Police Station,
   Krishnagiri.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order bearing No.471187/pa.tha.sc/2024 dated 12-10-2026,

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passed by the third respondent and quash the same and consecutively direct the respondents to grant leave for 30 days without escort to the detenue, Hasina Jan W/o.Abdul Rasheeth, aged about 70 years, PID No. 471187, confined at Central Prison, Coimbatore.

For Petitioner : Ms.S.Maroshini

For Respondents : Mr.C.R.Malarvannan
Additional Public Prosecutor
*****

ORDER

(Order of the Court was made by Sunder Mohan J.)

This writ petition has been filed challenging the order dated 12.10.2026 by which the petitioner's request for ordinary leave for his mother, who is a convict prisoner and convicted for the offence under Section 304-B IPC, was rejected.

2. Learned counsel for the petitioner would submit that the convict prisoner has served nearly 4 years 4 months of imprisonment out of 7 years imposed by the Court; that she is aged about 72 years and suffering from several several ailments; that she is eligible for 21 days ordinary leave considering the period of incarceration; and that therefore, the impugned order is liable to be set aside.

3. *Per contra*, learned Additional Public Prosecutor submitted that what is impugned is not an order of rejection and is only a communication to the

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Order QR

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petitioner informing about the order of rejection. Learned Additional Public Prosecutor would, however, fairly concede that the Probation Officer has recommended grant of leave subject to the petitioner providing proof of the convict's medical ailments. Learned Additional Public Prosecutor also would submit that the convict prisoner is otherwise eligible for 21 days ordinary leave as per the rules.

4. Admittedly, the convict prisoner has suffered 4 years 4 months of imprisonment as against the seven years imprisonment for offence under Section 304-B IPC. She is aged about 72 years. The Probation Officer has also recommended for grant of leave. That apart, the petitioner was earlier granted leave by orders of this Court in W.P.No.8412 of 2025 dated 25.04.2025 and W.P.(Crl.) No.89 of 2025 dated 04.07.2025. The convict prisoner is also eligible for 21 days ordinary leave.

5. Considering all the above facts, this Court sets aside the impugned order and directs the respondents to grant 21 days ordinary leave to the convict prisoner without escort from 27.10.2026 to 16.11.2026. The convict prisoner shall report before the Gurubarapalli Police Station, Krishnagiri, twice a week [Monday and Friday] at 10.30 a.m. After expiry of the ordinary leave, the convict prisoner shall surrender before the jail authorities on 17.11.2026 before 10.00 a.m. The

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gm/mp

convict prisoner shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities.

Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M., J.] [G.K.M., J.]
23-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
gm/mp
To

1. The Secretary to Government of Tamil Nadu,
   Home (Prison IV) Department,
   Secretariat of Tamil Nadu, Chennai.

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

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

4. The Superintendent of Police,
   Office of Police of Superintendent, Krishnagiri.

5. The Inspector of Police,
   Gurubarapalli Police Station, Krishnagiri.

6. The Public Prosecutor,
   High Court, Madras.

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