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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

Case QR

CORAM

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

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

W.P.Crl.No.3095 of 2026

CNR: {HCMA012747152026}

M.Jayanthi ..Petitioner(s)

Vs

1. The State rep. by,
   The Deputy Inspector of General of Prisons,
   Vellore Range,
   Vellore – 2.

2. The Superintendent of Prisons,
   Central Prison,
   Vellore – 2.

3. The Inspector of Police
   T-15, Selaiyur Police Station,
   Selaiyur, Chennai – 600 098. ..Respondent(s)

PRAYER: Writ Petition (Criminal) is filed under Article 226 of the Constitution of India to issue a Writ of Certiararified Mandamus, calling for the records relating to the impugned order in proceedings No.R.O-VLR/146/2025-Camp(A) dated 02.09.2026 passed by the first respondent, quash the same and consequently direct the respondents to grant 28 days ordinary leave to the petitioner's husband, namely, P.Mohandoss, S/o Perumal Naidu, aged 67 years, Convict Prisoner, PID No.218991, presently confined at the Central Prison, Vellore.

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For Petitioner(s): Mr.P.Pugalenthi

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

ORDER

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

Challenging the order dated 02.09.2026, passed by the first respondent, rejecting the request of the petitioner's husband/convict prisoner for granting him twenty eight days ordinary leave and seeking a consequential direction to the respondents to grant twenty eight days ordinary leave to her husband/convict prisoner, this Writ Petition (Criminal) has been filed.

2. The case of the petitioner is that her husband is a convict prisoner, who is undergoing incarceration in pursuance of judgment dated 20.11.2019, passed in S.C.No.30 of 2018, on the file of the Mahalir Neethimandram, Vellore. It is the further case of the petitioner that her husband/convict prisoner had sent a representation dated 04.07.2026 to the first respondent seeking ordinary leave for him since his wife/petitioner had fallen ill and required his assistance as well as to sell his property to raise funds. However, based on the report given by the Probation Officer, the first respondent, by the impugned order dated 02.09.2026, rejected the same.

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3. Learned counsel appearing for the petitioner submitted that the Probation Officer, without proper enquiry, has given a report stating that the surgery was already over and the convict prisoner does not own any property. He further admitted that the surgery of the petitioner is over and in order to raise funds to pay for further treatment, the convict prisoner intends to sell the property owned by him at Serkadu Village, Katpadi Taluk, Vellore District. The petitioner has also enclosed her medical records and the land documents of the convict prisoner along with the typed set of papers. Hence, the impugned order may be set aside and the petitioner's husband/convict prisoner may be granted ordinary leave.

4. Learned Additional Public Prosecutor submitted that the petitioner's surgery was over and the Probation Officer was unable to lay his hands on the property records. He, however, submitted that the petitioner's husband/convict prisoner is eligible for twenty eight days ordinary leave.

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 and taking into consideration the fact that the petitioner is ill, the convict prisoner is eligible for leave and the reason stated by the petitioner's husband/convict prisoner in his request is also true, we are inclined to set aside the impugned order.

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7. Accordingly, the impugned rejection order dated 02.09.2026, passed by the first respondent, is hereby set aside and consequently, the first respondent is directed to grant 28 days ordinary leave to the petitioner's husband/convict prisoner (PID No.218991), without escort, within a period of one week from the date of receipt of a copy of this order, 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.

8. With the above directions. this Writ Petition (Criminal) is disposed of. No costs.

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

17-11-2026

Neutral Citation: Yes/No
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To

1. The Deputy Inspector of General of Prisons,
Vellore Range,
Vellore – 2.

2. The Superintendent of Prisons,
Central Prison,
Vellore – 2.

3. The Inspector of Police
T-15, Selaiyur Police Station,
Selaiyur, Chennai – 600 098.

4. The Public Prosecutor,
High Court of Madras.

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

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