

(2026) 03 MAD CK 0955

In the Madras High Court

Case No : Writ Petition Criminal No. 1725 Of 2025, Writ Miscellaneous Petition Criminal No. 814 Of 2025

Shanthi

APPELLANT

Vs

State And Others

RESPONDENT

Date of Decision : 17-03-2026

Acts Referred:

Tamil Nadu Suspension Of Sentence Rules, 1982 — Rule 20

Citation : (2026) 03 MAD CK 0955

Hon'ble Judges : Dr. Anita Sumanth, J;Sunder Mohan, J

Bench : Division Bench

Advocate : C. Delecta, S.Manoharan, R. Muniyapparaj, Sylvester John

Final Decision : Allowed

Judgement

Dr.Anita Sumanth, J

1. The petitioner is the mother of one Yukathithan, a life convict who was sentenced on 21.01.2016 and has, as on date, undergone a sentence of 9 years, 7 months and 10 days (convict). The convict had made a request for ordinary leave of 28 days. The request, dated 04.08.2025, has come to be rejected by way of impugned order dated 13.11.2025.

2. Learned counsel for the petitioner would plead that the convict is entitled to the leave sought in terms of the provisions of the Tamil Nadu Suspension of Sentence Rules, 1982 (in short 'Rules') and that the reasons for seeking leave, being that his presence is required for the settlement of various loans availed by him for the purpose of education, are also justified.

3. Mr.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.Sylvester John, learned Advocate, who accepts notice for the respondents, for his part would rely upon the report of the Probation Officer as well as the police authorities.

4. In both the reports, the authorities have objected to the leave sought on the ground that the reasons stated are not justified, that his presence is not required for the settlement of the loan and that there would be a law and order problem caused.

5. Having considered the rival contentions, we believe that the convict is entitled to the leave sought. Admittedly, he has served a sentence of 9 years, 7 months and 10 days, as on date. The convict in the representation has sought ordinary leave of 28 days on the ground that there were certain loans availed by him for the purpose of education and coercive measures had been initiated by the banks for recovery of the same. In support thereof, there is a legal notice dated 30.06.2025 that has been issued on behalf of the Asset Reconstruction Company to whom the loan was assigned by Indian Overseas Bank.

6. In such circumstances, we do not believe that it lies in the mouth of the authorities to disbelieve the reason. That apart, there is no other reason set out in the reports of the Probation Officer and the police authorities to support their assertion that there would be a law and problem caused by the grant of leave to the convict.

7. In Rule 20 of the Rules, one of the grounds set out for grant of ordinary leave is that the convict should be permitted to make arrangement for the livelihood of his family and for settlement of life after release.

8. We find that the reasons on which leave has been sought in the present case would fall squarely within the ambit of the aforesaid Rule. Even on the earlier occasion, it is only on the intervention of this Court that the convict has been granted ordinary leave from 23.08.2024 to 20.09.2024.

9. In light of the discussion as aforesaid, impugned order dated 13.11.2025 is set aside and this Writ Petition is allowed. The petitioner's request for grant of ordinary leave of 28 days without police escort is granted on the following conditions:

(i)The respondents are directed to release the convict viz., Yukathithan, S/o Vellingiri, aged about 34 years, confined at Central Prison, Coimbatore, on ordinary leave for a period of twenty eight (28) days without escort i.e., from 18.03.2026 to 14.04.2026.

(ii)The convict shall be released on 18.03.2026 at 10.00 A.M. and is directed to surrender before the Superintendent of Prisons, Central Prison, Coimbatore, on 15.04.2026 before 10.00 A.M.

(iii)The convict shall report before the Inspector of Police, Kavunthampadi Police Station, Erode District, on every alternate day at 11.00 A.M, during the period of leave.

(iv)During the leave period, the Convict Prisoner shall abide by all the conditions prescribed in the Jail Manual.

Connected Miscellaneous Petition is closed.