



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

WP CrI. No. 928 of 2026

AND

WPMP CRL. NO. 305 OF 2026

Sundari

W/o Nantha Kumar,
No.120, Fathima Nagar,
Melapachakudi Village,
Viralimalai Taluk,
Pudukottai-621 316.

..Petitioner(s)

Vs

The State represented by its,

1. The Secretary to Government of Tamil Nadu,
Home (Prison IV) Department of Home,
The Secretariat of Tamil Nadu,
Chennai-600 009.
2. The Director Inspector General of Prison,
Puzhal Range, Egmore,
Chennai-600 008.
3. The Superintendent of Prison,
Central Prison Puzhal - I,
Puzhal-600 066.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue a Writ or order or orders or direction particularly in the nature of writ of Certiorarified Mandamus to call for the records pertaining to the Impugned order bearing No.CP-PU1/3798/2025-R2, dated 18.12.2025 passed by the 3rd respondent and quash the same and consequently direct the respondents to grant ordinary leave for 40 days without escort to the detenu, Nantha Kumar,



S/o Somasundaram, aged about 70 years, bearing convict No.4223 (PID.33368) confined at Central Prison, Puzhal - I and pass such further or other orders.

For Petitioner(s): Ms.S.Maroshini

For Respondent(s): Mr.C.R.Malarvannan,
Counsel For Government Of Tamil Nadu
(Criminal Side)

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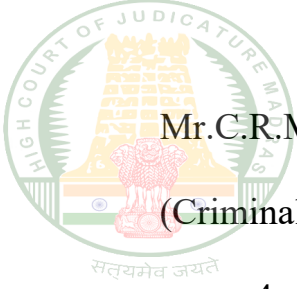
Order

(Order of the Court was made by Dr.Anita Sumanth J.)

Nantha Kumar (convict), S/o.Somasundaram is a convict prisoner confined in Central Prison, Puzhal I. He was convicted by a judgment dated 20.08.1997 confirmed on 12.12.2002 and thereafter on 05.04.2005 by the Supreme Court. Presently, he has completed incarceration of a total period of 27 years 10 months and 7 days. He has availed leave of 389 days in toto, of which 130 days is of the category of ordinary leave, 231 is of the category of emergency leave and 28 days leave has been granted by way of Court intervention.

2. The petitioner had earlier moved WP CrI. No. 584 of 2026 seeking a mandamus for disposal of representation seeking ordinary leave of 40 days. We had, on 17.03.2026, dismissed that writ petition, as in the interim, the impugned order had come to be passed rejecting the representation on merits. Since liberty has been granted to the petitioner to challenge the order of rejection of leave, the petitioner has filed this present writ petition.

3. We have heard Ms.S.Maroshini, learned counsel for petitioner and



Mr.C.R.Malarvannan, learned Counsel for Government of Tamil Nadu
(Criminal Side) for respondents.

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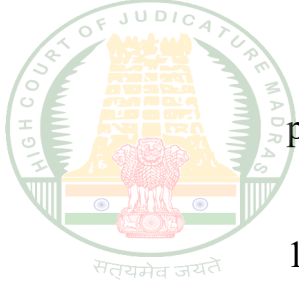
4. The reason for rejection of leave is the bar of Rule 21(h) (3) of the Tamil Nadu Suspension of Sentence Rules, 1982 (in short, 'Rules'), whereunder, a foreign convict is not entitled to the grant of ordinary leave.

5. We cannot attribute any flaw to the impugned order insofar as the bar under Rule 21(j) is absolute qua the authorities. However, that would not be a fetter on the power of this Court to consider grant of leave if we find that the petitioner is otherwise entitled to grant of the same.

6. In this case, we had sought a report of the probation officer and find that that report enures to the benefit of the convict. There is nothing untoward that has been pointed therein regarding his conduct or otherwise. In light of the duration of incarceration thus far, the favourable report of the probation officer as also the fact the convict has been granted leave by this Court earlier, we set aside the impugned order and direct the authorities to grant leave as sought for by the petitioner.

7. In the result, this writ petition stands allowed. The convict shall be released on ordinary leave for a period of 40 days without escort, though on the following conditions:

- (i) Respondents are directed to release the Convict Prisoner viz., Nantha Kumar, S/o.Somasundaram, aged 70 years, confined at Central Prison, Puzhal-I on Ordinary Leave for a



period of 40 days i.e., from 25.07.2026 to 02.09.2026.

(ii) The Convict Prisoner shall be released on 25.07.2026 at 10.00 am and he shall surrender before the Central Prison, Puzhal-I, on 03.09.2026 before 10.00 a.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Viralimalai Police Station, Pudukottai district every day at 10.30 a.m., during the period of leave.

(iv) The Convict Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities.

8. No costs. Connected Miscellaneous Petition is closed.

(A.S.M.,J.) (S.M.,J.)
23-07-2026

Index: Yes/No

Speaking order

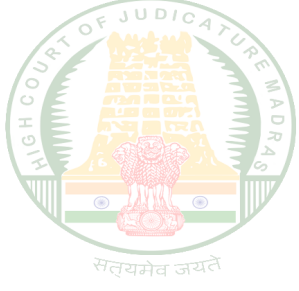
Neutral Citation: Yes

Note to Registry : Issue Today

SSM

To

1. The Secretary to Government of Tamil Nadu,
Home (Prison IV) Department of Home,
The Secretariat of Tamil Nadu,
Chennai-600 009.
2. The Director Inspector General of Prison,
Puzhal Range, Egmore, Chennai-600 008.
3. The Superintendent of Prison,
Central Prison Puzhal – I, Puzhal-600 066.
4. The Inspector of Police, Viralimalai Police
Station, Pudukottai District.
5. The Public Prosecutor, High Court of Madras.



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WP CrI. No. 928 of 2



DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

SSM

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