



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

WP CrI. No. 1285 of 2026

WEB COPY

R.Saraswathy
W/o.Radha Krishnan,
D.No.24, 5th ward,
Uppathukadu,
Thammampatty,
Salem-636 113.

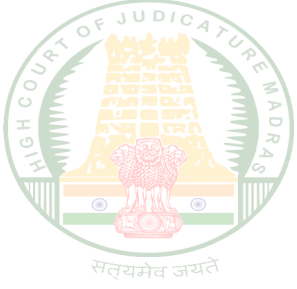
..Petitioner(s)

Vs

1. The State rep.by its,
The Deputy Inspector General of Prisons,
Coimbatore Range,
Coimbatore-18.
2. The Superintendent of Prison
Central Prison at Salem,
Hasthampatti,
Salem-636 007.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the first respondent in No502/Mu.U/2026 dated 12.05.2026 quash the same and consequently direct the respondents to grant 28 days ordinary leave without escort to the petitioner's husband, namely D.Radhakrishnan, S/o.Duraisamy, Life Convict Prisoner (PID No.34149), aged about 53 years.



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For Petitioner(s):

Mr.M.Mohamed Saifulla

For Respondent(s):

Mr. C.R. Malarvannan

Counsel for Government of Tamil Nadu (CrI. Side)

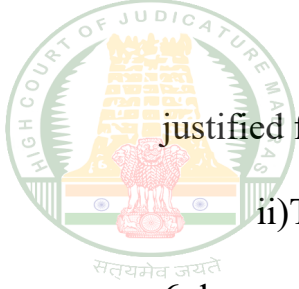
ORDER**(Order of the Court was made by Dr.Anita Sumanth J.)**

The wife of convict D.Radhakrishnan who is in the Central Prison, Salem jail has challenged order dated 12.5.2026 rejecting application for 28 days ordinary leave without escort. The order has been passed invoking Rule 35 of the Tamil Nadu Suspension of Sentence Rules, 1982 as per which, pending cases would be a bar to the grant of leave.

2. We have heard Mr.M.Mohamed Saifulla, learned counsel for petitioner and Mr.C.R. Malarvannan, Counsel for Government of Tamil Nadu (CrI. Side) for the respondents.

3. The impugned order has been rightly passed as Rule 35 does stand in the way of authorities considering the grant of leave in the case of a convict for whom cases are pending. However, we are inclined to consider the petitioner's case for the following reasons.

i)The petitioner has been granted emergency as well as ordinary leave on 11 occasions (total of 125 days) always on the intervention of this Court and hence it would not be out of place to grant leave to petitioner if he is otherwise



justified for the same.

ii) The petitioner has, as on date, served sentence of 11 years 1 month and 6 days as on 08.06.2026.

iii) The report of the Probation Officer has been obtained and the officer has acceded to the genuineness and correctness of the reasons for which leave has been sought.

iv) Mr. Malarvannan does not very seriously object to the grant of leave in this case having regard to the fact that the Court has considered the same favourably on earlier occasions as well.

4. As far as pending cases are concerned, they are of the years 2013 and 2020. We do not believe that the bar under Rule 35 can be invoked in cases of convicts where cases have been pending for unduly long periods, in one case for nearly a decade and a quarter. In such cases, it is incumbent on this Court to consider the totality of the factors and decide whether the convict may be granted leave.

5. For reasons as abovestated, we direct the authorities to grant leave of 28 days to the convict, commencing from 18.07.2026.

6. We are told that one of the court cases is listed for hearing on 04.08.2026 before the Salem Court. The convict will be escorted to the Salem Court for the hearing. He will, on every other date of leave, report before the Inspector of Police, Thamampatti Police Station, Salem District between 4.00 p.m., and 5.00 p.m.



7. In fine, we quash the impugned order and direct the authorities to grant ordinary leave for 28 days without escort, commencing from 18.07.2026, on the following conditions:

(i) Respondents are directed to release the Convict Prisoner viz., D.Radha Krishnan, S/o. Duriasamy, aged 53 years, confined at Central Prison, Salem on Ordinary Leave for a period of 28 days without escort i.e., from 18.07.2026 to 14.08.2026.

(ii) The Convict Prisoner shall be released on 18.07.2026 at 10.00 am and he shall surrender before the Superintendent of Prison, Salem on 15.08.2026 before 10.00 a.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Thamampatti Police Station, Salem District every day at 10.30 a.m., during the period of leave except 04.08.2026.

(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. This Writ Petition is allowed to the above extent. Connected Miscellaneous Petition is closed.

(A.S.M.,J.) (S.M.,J.)
15-07-2026

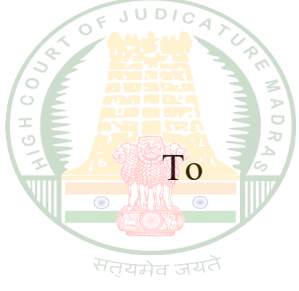
Index: Yes/No

Speaking order

Neutral Citation: Yes

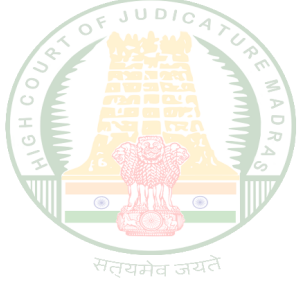
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Note to Registry: Issue order copy by 16.07.2026.



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The Deputy Inspector General of Prisons,
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Coimbatore-18.
2. The Superintendent of Prison
Central Prison at Salem,
Hasthampatti,
Salem-636 007.
3. The Public Prosecutor,
Madras High Court.



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

DP

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