

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. 1586 of 2026

AND

WPMP CRL. NO. 558 OF 2026

Pushpa
W/o. Rakkumuthu,
D-12(A), W-3, Compost Street,
Gudalur, Uthamapalyam,
Keelagundalur, Gudalur,
Theni District-625518.

..Petitioner(s)

Vs

1. The Home Secretary,
Home Department(Prison)
Secretariat, Fort St. George,
Chennai-600 009.
2. The Deputy Inspector General of Prisons
Chennai Range,
Chennai.
3. The Superintendent of Prison,
Central Prison I,
Puzhal, Chennai 600 066.

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or order or direction in the nature of Writ, calling for the records relating to the proceedings in No.79/MU1/2026 dated 20.02.2026 by the 2nd respondent and quash the same and consequently direct the 2nd respondent to grant 28 days ordinary leave without escort to the



petitioner's son Ramesh S/o. Rakkumuthu (Convict No.11308//PID No.136391), presently confined at Central Prison-I, Chennai, and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner(s): MR.N.Nagarjuna

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

ORDER

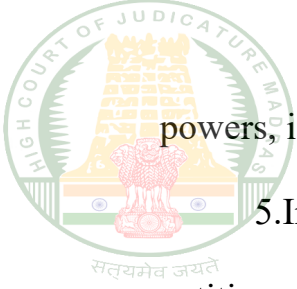
(Order of the Court was made by Dr.Anita Sumanth J.)

The mother of one Ramesh, who is a convict prisoner lodged at Central Prison, Chennai has challenged an order dated 20.02.2026 rejecting ordinary leave of 28 days that was sought for the convict, without escort. The basis of the order is a bar under Rule 21(h) as per which convicts who were found guilty of offences under the NDPS Act are not to be granted leave.

2.Learned counsel for petitioner would submit that the convict has undergone substantial portion of the sentence and that the bar under the Rules is not an absolute one and that this is the first time the petitioner is availing leave.

3.Mr.Malarvannan, learned Counsel for Government of Tamil Nadu (Criminal Side) fairly does not put forth very serious objections in light of the facts that we shall note in the paragraphs to follow.

4.We have earlier taken a view [in W.P (CrI.).No.616 of 2026 dated 23.03.2026] that the bar under Rule 21(h), though an absolute bar qua the authorities would not stand as a fetter to this Court invoking its constitutional



powers, if the Court is otherwise of the view that leave may be granted.

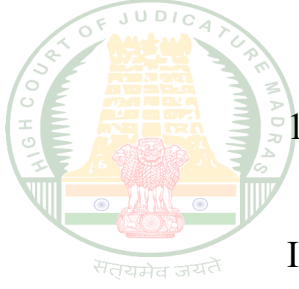
5. In this case, as rightly pointed out by the learned counsel for the petitioner, the total sentence is of a period of 10 years, as against which the convict has already undergone sentence of 7 years 6 months as on 07.07.2026. He has not availed any leave thus far, and hence we feel that his request for leave should not be rejected merely invoking the bar.

6. In order to satisfy ourselves that the convict would not pose a security threat and that the reasons seeking leave are true, we had sought a Report from the Probationary Officer. We note that the Probationary Officer, on enquiry, has found that the medical ailment cited for the purpose of leave is correct. The Probationary Officer also finds that the reason cited relating to payment of school fee is not correct as the convict's children are studying in a Government School.

7. In light of the discussion as aforesaid, we quash impugned order and direct the authorities to grant ordinary leave for 28 days with escort which shall commence from 17.07.2026, on the following conditions:

(i) Respondents are directed to release the Convict Prisoner viz., Ramesh, S/o. Rakkumuthu, aged 42 years, confined at Central Prison-I, Chennai on Ordinary Leave for a period of 28 days with escort i.e., from 17.07.2026 to 13.08.2026.

(ii) The Convict Prisoner shall be released on 17.07.2026 at 10.00 am and he shall surrender before the Superintendent of Prison, Central Prison I, Puzhal, Chennai on 14.08.2026 before



10.00 a.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, Gudalur North Police Station, Theni 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.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

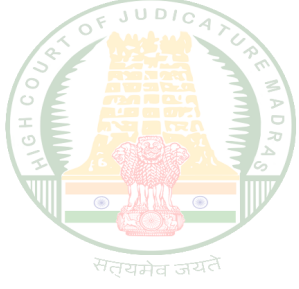
Neutral Citation: Yes

DP

Note to Registry: Issue order copy by 16.07.2026.

To

1. The Home Secretary, Home Department(Prison) Secretariat, Fort St.George, Chennai-600 009.
2. The Deputy Inspector General of Prisons Chennai Range, Chennai.
3. The superintendent of Prison, Central Prison I, Puzhal, Chennai 600 066.
4. The Public Prosecutor, High Court of Madras.



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WP CrI. No. 1586 of 2



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

DP

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