



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-08-2026

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CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

WP CrI. No. 1876 of 2026

Noorudeen
S/o.Siraj,
Door No.444, Block No.23,
Sathyamoorthy Nagar,
Vyasarpadi,
Chennai 39.
Now Confined in Central
Prison Puzhal - I,
Chennai.

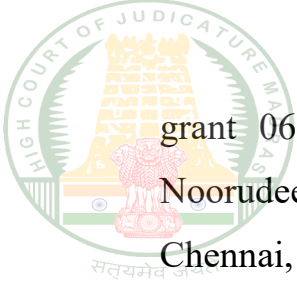
..Petitioner(s)

Vs

1. The State rep. by its,
The Director General of Prisons and Correctional
Services,
Tamilnadu Prison Department,
Egmore, Chennai 600 008.
2. The Superintendent of Prison,
Central Prison-I,
Puzhal, Chennai - 600 066.

..Respondent(s)

Prayer: Writ petition filed under Article 226 of Constitution of India to issue a WRIT OF CERTIORARIFIED MANDAMUS calling for the records relating to the proceedings of the 2nd Respondent in No.CP-PU1/1981/2026-R2 dated 22.05.2026, quash the same and consequently direct the respondents to



grant 06 days Emergency Leave without escort to the petitioner namely Noorudeen, S/o.Siraj (PID No.125277), confined at Central Prison, Puzhal-I, Chennai, within a time frame to be fixed by this Honble Court and thus render

WEB justice.

For Petitioner(s): Mr.M.Mubeen

For Respondent(s): Mr. C.R. Malarvannan

Counsel For Government Of Tamil Nadu
(Criminal Side)

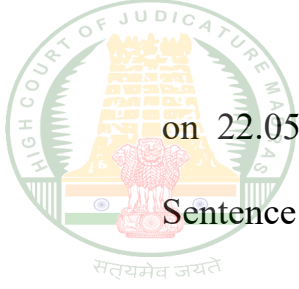
Order

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

Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (Criminal Side) for the respondents has instructions to enable us to dispose this writ petition even at the time of admission. Hence, by consent, final orders are passed disposing the matter even at the stage of admission.

2.Petitioner is a convict confined in Central Prison, Puzhal-I, Chennai. He has undergone actual imprisonment of 4 years and 26 days including remand of 1133 days and conviction period of 11 months and 18 days as on 01.08.2026. He has not availed any leave thus far.

3.While so, he had approached the authorities seeking emergency leave for a period of 6 days in order to attend to his mother's emergent medical ailments for which medical certificate has been placed on file and also enclosed with the representation. The plea for emergency leave has come to be rejected



on 22.05.2026 citing the bar of Rule 35 of the Tamil Nadu Suspension of Sentence Rules, 1982 (Rules).

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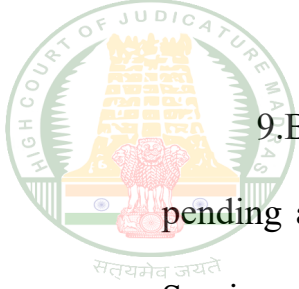
4.Mr.M.Mubeen, learned counsel appears for the petitioner and would submit that the convict has not availed any leave thus far and reasons for seeking leave are genuine. Hence, he should be permitted to avail the leave and attend to the medical ailments of his mother.

5.Per contra, learned counsel for the Government of Tamil Nadu (Criminal Side) would submit that the bar under Rule 35 is absolute and in such circumstances, the authorities have rightly rejected the request for leave.

6.We have heard both learned counsel.

7.It is true that the bar under Rule 35 of the Rules is absolute qua the authorities. This would however not be a fetter for the Court to consider the grant of leave if we otherwise deem it to be appropriate.

8.In the present case, the convict has undergone actual imprisonment of 4 years and 26 days. The reasons cited for seeking leave have not been disputed by the authority. The reason seems to be genuine and in that a medical certificate has been placed before us. The authorities have not obtained a report of the Probation Officer in view of the fact that the plea has been rejected even at the threshold invoking the bar under Rule 35.



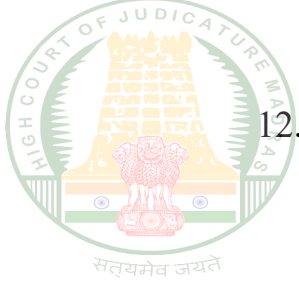
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9. Be that as it may, and adjudicating to the bar under Rule 35, the cases pending as against the convict are in Cr.No.1 of 2018 before the I Additional Sessions Court, Trichy and PRC.No.190 of 2025 pending before the Judicial Magistrate Court No.II, Trichy. As far as the latter case is concerned, the charge sheet has been filed very belatedly only in 2025, in relation to a crime that was registered in the year 1998.

10. In light of the above circumstances, we are of the considered view that the convict must be granted 6 days leave as sought for as. To sum up,

- (i) the bar of Rule 35 does not stand in the way of this Court considering the plea for leave,
- (ii) the reasons seeking emergency leave are not disputed to be genuine,
- (ii) the convict has not availed any leave thus far,
- (iv) the pending cases have been initiated belatedly.

11. The impugned order is hence quashed and the authorities are directed to grant emergency leave of 6 days from 05.08.2026 to 10.08.2026 with escort to Convict Prisoner viz., Noorudeen, S/o. Siraj, confined in Central Prison, Puzhal-I, Chennai. The Convict Prisoner shall be released on 05.08.2026 at 10.00 am and he shall surrender before the Central Prison, Puzhal-I, Chennai, on 11.08.2026 before 10.00 a.m.



12. This writ petition (criminal) stands allowed in terms of this order.

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(A.S.M.,J.) (S.M.,J.)

03-08-2026

vs

Index: Yes/No

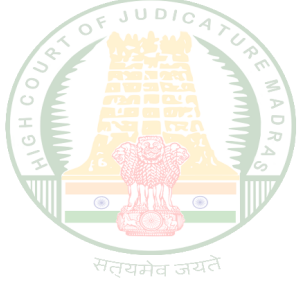
Speaking order

Neutral Citation: Yes

Note to Registry: Issue order copy by 04.08.2026.

To

1. The Director General of Prisons and Correctional Services,
Tamilnadu Prison Department,
Egmore, Chennai 600 008.
2. The Superintendent of Prison,
Central Prison-I,
Puzhal, Chennai - 600 066.
3. The Public Prosecutor, High Court of Madras.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

VS

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