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W.P.No.4438 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

and

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.4438 of 2025

Jayavalli

... Petitioner

Vs.

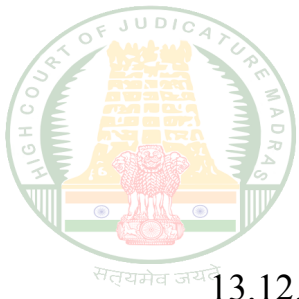
1.The Director General of Prison
O/o.Director General of Prison
Whanells Road, Egmore
Chennai District 600 008

2.The Deputy Inspector General of Prison
O/o.Deputy Inspector General of Police
Vellore District

3.The Superintendent of Prison
Cuddalore Central Prison
Cuddalore District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records in proceeding vide No.18827/Tha.Ku.2/2024 dated



W.P.No.4438 of 2025

WEB COPY

13.12.2024 by the 3rd respondent and quash the same and without escort to petitioner's husband Convict Prisoner Mr.Harikrishnan, S/o. Singaravel, (PID No.16230) now confined in Central Prison, Cuddalore, for the purpose of repairing his house and to see his minor son, in pursuant to the petitioner's representation dated 07.12.2024.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

M.S.RAMESH, J.
AND
N.SENTHILKUMAR, J.

This Writ Petition has been filed for issuance of of Writ of Certiorarified Mandamus, to call for the records issued vide proceeding No.18827/Tha.Ku.2/2024 dated 13.12.2024 by the 3rd respondent and to quash the same, and to direct the respondents to grant 9 days leave without escort to petitioner's husband Convict Prisoner Mr.Harikrishnan, S/o. Singaravel, (PID No.16230), confined in Central Prison, Cuddalore, for the purpose of repairing the house and to see their minor son, in pursuant to the petitioner's representation dated 07.12.2024.



W.P.No.4438 of 2025

WEB COPY

2. The learned counsel for the petitioner submitted that the petitioner is the wife of the life convict, she has sent a representation to the jail authorities to grant her husband 9 days ordinary leave to enable him to repair their house and also to see his minor son who is aged about 2 years. Her representation dated 07.12.2024 for the same was rejected by the respondents on the ground the reasons assigned in the representation is not genuine and also there is appeal pending against her husband. Hence, the present petition.

3. Learned Additional Public Prosecutor has produced a report of the Probation Officer dated 12.02.2025, wherein the probation officer has stated that the reason given in the petitioner's representation dated 07.12.2024 is not genuine, their living house is in a good condition. He has also stated that CrI.A.No.150 of 2023 is pending before the High Court, hence, he is not eligible for ordinary or emergency leave as per Tamil Nadu Suspension of Sentence Rule 1982 Rule No.2(4).



W.P.No.4438 of 2025

WEB COPY

4. Though the Probation Officer has not recommended for grant of ordinary leave to the convict prisoner citing the Tamil Nadu Suspension of Sentence Rule 1982 Rule No.2(4), this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct the respondents to grant 7 days leave to the convict prisoner.

5. This Writ Petition stands allowed accordingly. There shall be a direction to the respondents herein, to grant 9 days ordinary leave “*without escort*” to the life convict viz. Harikrishnan, S/o.Singaravel, PID No.16230, commencing from 08.03.2025 to 14.03.2025, with a condition that the life convict shall report before the Rishivandhiyam Police Station, daily at 10.30 a.m. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authorities on 15.03.2025 before 10.00 a.m. The prisoner shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities.



W.P.No.4438 of 2025

WEB COPY

costs.

6. With the above direction, the Writ Petition stands allowed. No

[M.S.R, J.] [N.S, J.]
28.02.2025

Index : Yes / No

Neutral Citation

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Note: Issue Order Copy on 07.03.2025

To.

1.The Director General of Prison
O/o.Director General of Prison
Whanells Road, Egmore
Chennai District 600 008

2.The Deputy Inspector General of Prison
O/o.Deputy Inspector General of Police
Vellore District

3.The Superintendent of Prison
Cuddalore Central Prison
Cuddalore District

4.The Public Prosecutor
High Court of Madras
Chennai



WEB COPY



W.P.No.4438 of 2025

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W.P.No.4438 of 2025

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