



WEB COPY



W.P.No.3387 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.3387 of 2025

and

W.M.P.No.3761 of 2025

Blessita

.. Petitioner

Vs.

1.The Home Secretary,
Home Department (Prison),
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Inspector General of Prisons,
Prison Head Quarters,
Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison I,
Puzhal, Chennai – 600 006.

.. Respondents

Prayer: Writ 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 3rd respondent dated 07.10.2024 and quash the same and direct the 3rd respondent to enlarge the petitioner's



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husband Thiyagarajan, S/o Murugesan, aged 44 years (Convict Prisoner No.8434) is to grant 15 days emergency leave without escort, confined at Central Prison I, Puzhal, Chennai.

For petitioner : Mr.P.M.Basil
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted by
Mr.M.Sylvester John

ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

This Writ Petition has been filed challenging the impugned order dated 07.10.2024 of the 3rd respondent rejecting the representation of the petitioner seeking grant of ordinary leave to her husband.

2.The only reason assigned in the impugned order for rejecting the petitioner's request for grant of ordinary leave to the convict prisoner is that the convict prisoner has another two cases pending against him and as per Rule 35 of the Tamil Nadu Suspension of Sentence Rules, 1983, he is not eligible for leave.

3.The learned counsel for the petitioner submitted that the



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petitioner has been diagnosed with breast cancer and she has to undergo surgery. Hence, the petitioner seeks for leave of her husband for her medical treatment.

4.The learned Additional Public Prosecutor has produced the particulars of the life convict dated 11.02.2025 and also the report of the Probation Officer dated 14.10.2024. The Probation Officer in his report has recommended for grant of ordinary leave to the convict prisoner.

5.By taking into consideration the report of the Probation Officer, recommending for grant of leave, as well as the reasons assigned in the affidavit filed in support of this petition, we are inclined to grant 6 days of ordinary leave to the petitioner's husband/convict prisoner.

6.Accordingly, the impugned order dated 07.10.2024 bearing passed by the third respondent, is hereby quashed. Consequently there shall be a direction to the respondents herein, to grant 6 days ordinary leave ***“without escort”*** to the petitioner's husband/life convict namely Thiyaagu @ Thiyyagarajan, S/o.Murugesan, aged 43 years, Convict No.8434, Central Prison I, Puzhal, Chennai, commencing from



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22.02.2025 to 27.02.2025, with a condition that the life convict shall report before the jurisdictional Police i.e. Thoothukudi South Police Station, daily at 10.30 A.M. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on **27.02.2025** before 05.30 P.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.

7. With the above direction, the Writ Petition stands allowed.

Connected miscellaneous petition is closed. No costs.

(M.S.R., J) (N.S., J)

13.02.2025

krk

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

NOTE : Issue order copy on 21.02.2025.

To

1. The Home Secretary,



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Home Department (Prison),
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Inspector General of Prisons,
Prison Head Quarters,
Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison I,
Puzhal, Chennai – 600 006.

4.The Inspector of Police,
Thoothukudi South Police Station.

5.The Public Prosecutor,
High Court, Madras.

M.S.RAMESH, J.

and

N. SENTHILKUMAR, J.



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