



W.P.No.4337 of 2025

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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.4337 of 2025

Kothainayaki

... 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 600 066

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 3rd respondent to grant 21 days ordinary leave without escort, to the petitioner's husband Hemanth Kumar, S/o.Sundarrajan, CT No.8386, confined at Central Prison, Puzhal I, Chennai.



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W.P.No.4337 of 2025

For Petitioner : Mr.P.M.Basil
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 Mandamus, Mandamus, directing the 3rd respondent to grant 21 days ordinary leave without escort, to the petitioner's husband Hemanth Kumar, S/o.Sundarrajan, CT No.8386, confined at Central Prison, Puzhal I, Chennai.

2. The learned counsel for the petitioner submitted that the petitioner is the wife of the life convict, a representation was sent to the respondents by the life convict seeking 21 days ordinary leave to the convict prisoner for making financial arrangement to the treatment of his mother and also to dispose of his property. His representation dated 14.11.2024 seeking ordinary leave for 21 days was rejected by the respondents on the ground the reasons assigned in the representation is



W.P.No.4337 of 2025

WEB COPY

not genuine and also there is appeal pending in Crl.A.No.186 of 2021 against the prisoner. Hence, the present petition.

3. Learned Additional Public Prosecutor has produced a report of the Probation Officer dated 21.12.2024, wherein the probation officer has stated that the reason given in the petitioner's representation dated 14.11.2024 is not genuine. The Probation Officer has also stated that the prisoner did not furnish any medical report to show that his mother is suffering from any ailment. He has also stated that Crl.A.No.186 of 2021 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).

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 21 days leave to the convict prisoner.



W.P.No.4337 of 2025

WEB COPY

5. This Writ Petition stands allowed accordingly. There shall be a direction to the respondents herein, to grant 21 days ordinary leave **“without escort”** to the life convict viz. Hemanth Kumar, S/o.Sundarajan, LCT No.8386, commencing from 08.03.2025 to 28.03.2025, with a condition that the life convict shall report before the Thazhambur Police Station, daily at 10.30 a.m. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authorities on 29.03.2025 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.

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

[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



W.P.No.4337 of 2025

WEB COPY To.

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4.The Public Prosecutor
High Court of Madras
Chennai



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W.P.No.4337 of 2025

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W.P.No.4337 of 2025

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