



W.P.No.14662 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

W.P.No.14662 of 2025
and W.M.P.No.16551 of 2025

KAVITHA

...Petitioner/ wife of the detainee

Vs.

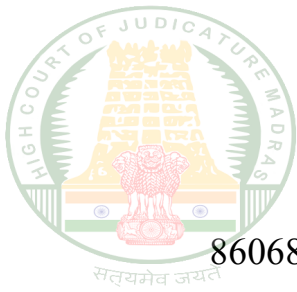
The State rep by its,
1.The Secretary To The Government
Of Tamil Nadu
Department Of Home, Fort St.
George, Chennai - 600 009.

2.The Deputy Inspector General Of
Prison,
Vellore Range, Vellore Central
Prison, Vellore - 632 002.

3.The Superintendent
Cuddalore Central Prison,
Cuddalore - 607 004.

... 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 pertaining to the impugned Order bearing No.



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860681/Tha.Ku.2/2025, dated 28.03.2025, passed by the 2nd respondent and quash the same and consecutively, direct the respondents to grant ordinary leave for 30 days to the detenue, Karthick, s/o Natchathiram, aged about 34 years, Convict No. 17312, detained at Central Prison, Cuddalore.

For Petitioner : Ms.K. Akshaya
For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

M.S.RAMESH, J.
and
V.LAKSHMINARAYANAN, J.

This writ petition has been filed to call for the records pertaining to the impugned Order bearing No.860681/Tha.Ku.2/2025, dated 28.03.2025, passed by the 2nd respondent and quash the same and consecutively, direct the respondents to grant ordinary leave for 30 days to the detenue, Karthick, s/o Natchathiram, aged about 34 years, Convict No. 17312, detained at Central Prison, Cuddalore.

2. Heard the learned counsel on either side and perused the documents.



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3. The petitioner herein seeks for grant of 30 days of ordinary leave for her husband, without escort, on the ground that the petitioner's younger child has been suffering from seizures and a neurological disorder for the past two years. Due to financial constraints, the petitioner could not provide her with basic medications. As such, she requires the presence of her husband to arrange funds for her medical expenses. Further, the detainee has undergone 5 years, 7 months and 13 days of imprisonment.

4. The learned Additional Public Prosecutor produced a copy of the Probation Officer's report dated 02.05.2025, in which, the Probation Officer has recommended for grant of leave as the reasons assigned by the petitioner is said to be true.

5. Although the convict prisoner is not eligible for leave as per the Tamil Nadu Suspension of Sentence Rule 1982, considering the medical requirement of the petitioner's younger son, we are inclined to grant emergency leave for a period of 6 days in exercise of our powers under Article 226 of the Constitution of India, with minimum escort.



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6. Accordingly, the impugned Order bearing No.860681/Tha.Ku.2/2025, dated 28.03.2025 is quashed and the detenu viz., Karthick, s/o Natchathiram, aged about 34 years, Convict No. 17312, detained at Central Prison, Cuddalore, is hereby granted emergency leave for a period of 6 days, with minimum escort, commencing from 10.00 am on 11.07.2025 to 5 pm of 16.07.2025. On expiry of the leave, the detenu shall surrender before the prison authorities. The second respondent is directed to provide minimum escort of two police constables to the convict from the Central Prison from the time he leaves the prison and till such time he is taken back to the prison.

7. Accordingly, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [V.L.N., J]

04.07.2025

Index: Yes/No

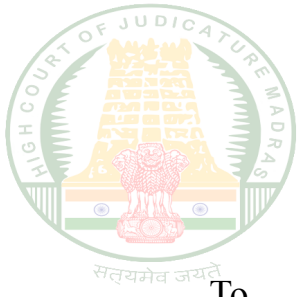
Speaking/Non-speaking order

Neutral Citation: Yes/No

Anu

Note: Issue Order Copy on 10.07.2025

Upload the order copy forthwith



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To
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1.The Secretary To The Government
Of Tamil Nadu
Department Of Home, Fort St.
George, Chennai - 600 009.

2.The Deputy Inspector General Of
Prison,
Vellore Range, Vellore Central
Prison, Vellore - 632 002.

3.The Superintendent
Cuddalore Central Prison,
Cuddalore - 607 004.

4.The Public Prosecutor,
High Court, Madras.



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Anu

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