



WEB COPY



W.P.No.18814 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.05.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN
AND
THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

W.P. No.18814 of 2025 and W.M.P. No.21065 of 2025

Purusothaman

Petitioner

vs.

1. The State represented by its
Deputy Inspector General of Prison
Vellore Range
Vellore 632 002

2. The Superintendent
Central Prison
Cuddalore 607 004

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records connected with the order dated 02.05.2025 in Proceedings No.970756/Tha.Ku.2/2025 passed by the second respondent and quash the same and direct the respondents to grant emergency leave for 15 days without escort to the detenu Saranraj, S/o Purushothaman, aged about 36 years bearing Convict No.17313 (PID No.159449) confined at the Central Prison, Cuddalore.

Page Nos.1/6



WEB COPY



W.P.No.18814 of 2025

For petitioner Ms. S. Sadhana

For respondents Mr. E. Raj Thilak
Addl. Public Prosecutor

ORDER

(made by G.R. SWAMINATHAN, J.)

Heard both sides.

2. The petitioner's son Saranraj is undergoing life sentence in the Central Prison, Cuddalore. The petitioner is said to be suffering from disc prolapse. Medical opinion suggests that surgery has to be performed on the petitioner. Hence, the petitioner sought emergency leave for a period of 15 days for the prisoner. However, the said request was turned down by the second respondent *vide* order dated 02.05.2025 citing *inter alia* that a criminal case against the prisoner is pending trial. Thereagainst, this writ petition has been filed.

3. It is true that a criminal case is still pending trial against the prisoner. But, it has already been held by this Court in many a case that a criminal prosecution cannot come in the way of the prisoner being granted leave.

Page Nos.2/6



W.P.No.18814 of 2025

4. On this short ground, the impugned order is not sustainable and the same is accordingly quashed. That apart, since the prisoner had already undergone five years of imprisonment, we are inclined to show some indulgence.

5. Accordingly, we direct the first respondent to grant six days emergency leave to the prisoner with minimum escort. It is made clear that the cost of the escort shall be deducted from the prisoner's wages. The prisoner shall be released from the prison on emergency leave without escort for six days at 10.00 a.m. on 26.05.2025 and he shall surrender at the prison on 02.06.2025 at 5.00 p.m.

6. This writ petition stands allowed on the aforesaid terms. No costs. Connected W.M.P. stands closed.

(G.R.S.,J.) (V.L.N.,J.)
21.05.2025

cad



W.P.No.18814 of 2025

W.P.No.18814 of 2025

WEB COPY

G.R. SWAMINATHAN, J.
and
V. LAKSHMINARAYANAN, J.

ORDER

(made by G.R. SWAMINATHAN, J.)

At the instance of the learned counsel for the petitioner, this writ petition is listed today under the caption 'FOR BEING MENTIONED'.

2. This writ petition was disposed of by this Court *vide* order dated 21.05.2025, the relevant paragraph of which reads thus:

“5. Accordingly, we direct the first respondent to grant six days emergency leave to the prisoner with minimum escort. It is made clear that the cost of the escort shall be deducted from the prisoner's wages. The prisoner shall be released from the prison on emergency leave without escort for six days at 10.00 a.m. on 26.05.2025 and he shall surrender at the prison on 02.06.2025 at 5.00 p.m.”

3. The learned counsel for the petitioner submitted that while the first sentence of the aforesaid paragraph 5 states that six days emergency leave is granted with minimum escort, the last sentence of the said paragraph states that the prisoner shall be released on emergency leave without escort and hence, the last sentence of paragraph 5 needs to be changed accordingly. (emphasis supplied)



W.P.No.18814 of 2025

4. The aforesaid submission of the learned counsel for the petitioner is accepted and accordingly, paragraph 5 of the order dated 21.05.2025 shall stand substituted as under:

“5. Accordingly, we direct the first respondent to grant six days emergency leave to the prisoner with minimum escort. It is made clear that the cost of the escort shall be deducted from the prisoner's wages. The prisoner shall be released from the prison on emergency leave with minimum escort for six days at 10.00 a.m. on 26.05.2025 and he shall surrender at the prison on 02.06.2025 at 5.00 p.m.”

(G.R.S., J.) (V.L.N., J.)
23.05.2025

cad



WEB COPY



W.P.No.18814 of 2025

G.R. SWAMINATHAN, J.

and

V. LAKSHMINARAYANAN, J.

cad

To

1. The Deputy Inspector General of Prison
Vellore Range
Vellore 632 002
2. The Superintendent
Central Prison
Cuddalore 607 004
3. The Public Prosecutor
High Court of Madras
Chennai 600 104

W.P.No.18814 of 2025

21.05.2025

Page Nos.6/6