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W.P.Crl.No.231 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

W.P.Crl.No.231 of 2025
and W.M.P.Crl.No.105 of 2025

Amutha

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Home [Prison-IV] Department,
Fort St.George, Chennai – 9.

2.The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai – 8.

3.The Superintendent of Prison,
Central Prison at Coimbatore,
Gandhipuram, Coimbatore – 641 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Certiorarified Mandamus, calling for
the entire records pertaining to order of 3rd respondent dated 25.06.2025 in



W.P.Crl.No.231 of 2025

No.1326/Tha.Ku3/2025 and quash the same as illegal and to grant an ordinary/emergency leave of 30 days without escort to the son of petitioner/convict name Kurinji @ Kurinjinathan, S/o.Ondiyappan, aged about 33 years in order to undergo heart surgery in a private hospital.

For Petitioner : Mr.Gowtham
for Mr.D.Krishnamoorthy

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

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

This Writ Petition has been filed challenging the impugned order dated 25.06.2025, rejecting the representation of the petitioner dated 12.06.2025, on the ground that the convict prisoner has not completed 2 years of imprisonment and hence, he is not eligible for grant of leave as per Rule 22(1)(b) of the Tamil Nadu Suspension of Sentence Rules, 1982.

2. The learned counsel for the petitioner submitted that the convict prisoner has to undergo heart surgery in a private hospital for better facility and care and therefore, the petitioner sought for an



W.P.Crl.No.231 of 2025

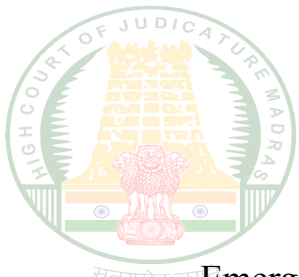
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ordinary/emergency leave for her son/convict prisoner without escort. The learned counsel further submitted that the convict prisoner has undergone 1 year and 4 months of imprisonment.

3. The learned Additional Public Prosecutor has produced the particulars of the convict prisoner dated 16.07.2025, as well as the report of the Probation Officer dated 01.07.2025. The Probation Officer in his report has stated that the reasons assigned by the petitioner for seeking leave for her son/convict prisoner are true.

4. Taking into consideration the favourable report of the Probation Officer, as well as the reasons assigned in affidavit filed in support of this petition, we are inclined to grant 6 days of emergency leave to the petitioner's son/convict prisoner 'with minimum escort' at the petitioner's cost.

5. Accordingly, the impugned order dated 25.06.2025 passed in No.1326/Tha.Ku3/2025 by the third respondent, is hereby quashed. Consequently, the respondents herein are directed to grant 6 days of



W.P.Crl.No.231 of 2025

WEB COPY

Emergency Leave “*with minimum escort*” to the petitioner's son/convict prisoner namely Kurinji @ Kurinjinathan, S/o.Ondiyappan, aged about 33 years, commencing from **01.08.2025 to 06.08.2025**. After expiry of the Emergency Leave, the convict prisoner shall surrender before the Jail Authority on **06.08.2025** 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.

6. With the above directions, this Writ Petition stands allowed. No costs. Connected miscellaneous petition is closed.

[M.S.R, J.]

[V.L.N, J.]

25.07.2025

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

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Note: Issue Order Copy on 31.07.2025.



W.P.Crl.No.231 of 2025

WEB COPY
To

- 1.The Secretary to Government of Tamil Nadu,
Home [Prison-IV] Department,
Fort St.George, Chennai – 9.
- 2.The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
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- 3.The Superintendent of Prison,
Central Prison at Coimbatore,
Gandhipuram, Coimbatore – 641 018.
- 4.The Public Prosecutor,
High Court, Madras.



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W.P.Crl.No.231 of 2025

M.S.RAMESH, J.
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W.P.Crl.No.231 of 2025

25.07.2025