



W.P.(Crl).No.27 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.12.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.(Crl).No.278 of 2025
and
W.P.M.P.(Crl).No.119 of 2025

Sathiyapriya
W/o.Ramkumar

.. Petitioner

Vs.

The State represented by its

1. The Deputy Inspector General of Prison
Coimbatore Range
Coimbatore – 641 018

2. The Superintendent
Coimbatore Central Prison
Coimbatore – 641 018

.. Respondents

Writ Petition (Criminal) filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order bearing No.24456/Tha.Ku.3/2025, dated 24.03.2025, passed by the 2nd respondent and quash the same and consequently direct the respondents to grant ordinary leave for 30 days without escort to the detinue, Ramkumar, S/o.Nagaraj, aged about 35 years, convict prisoner, bearing Convict No.18505, confined at central Prison, Coimbatore.



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For petitioner : Mr.S.Pandiyan
For respondents : Mr.R.Muniyapparaj, Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

(The Order of the Court was made by P.Velmurugan, J)

The petitioner has filed the present petition to quash the impugned order bearing No.24456/Tha.Ku.3/2025, dated 24.03.2025, passed by the 2nd respondent and consequently, direct the respondents to grant ordinary leave for 30 days without escort to the detenue, Ramkumar, S/o.Nagaraj, aged about 35 years, convict prisoner, bearing Convict No.18505, confined at central Prison, Coimbatore.

2. The learned counsel for the petitioner submitted that the petitioner, who is the wife of the convict prisoner Ramkumar, S/o.Nagaraj, had filed petition before the respondents seeking ordinary leave for a period of one month, to her husband/convict prisoner. But the same was rejected by the 2nd respondent by the impugned order stating that a case in S.C.No.278 of 2010 on the file of the III Additional District and Sessions Court, is pending trial against the petitioner and as per Rule 35 of the Tamil Nadu Suspension of Sentence Rule, 1982, a convict prisoner is not eligible for ordinary leave pending trial.

3. Heard the learned Additional Public Prosecutor appearing for the respondents.



4. This Court does not find any perversity in the order passed by the 2nd respondent. However, it is seen that the said case in S.C.No.278 of 2010 is pending from the year 2010 not because of the convict alone and it is pending for other reasons also. Further, now the said case is at the fag end of trial. Except the official witnesses, the other witnesses have already been examined and now, the case stands posted only for examination of the official witnesses. Therefore, there is no question of tampering with the witnesses, if the convict comes out on ordinary leave. Hence, considering the facts and circumstances of the case, by exercising power under Article 226 of the Constitution of India, this Court is inclined to grant 28 days ordinary leave to the convict prisoner.

5. Accordingly, the impugned order passed by the 2nd respondent is set aside and leave for a period of 28 days with one escort, is granted to the petitioner's husband namely, Ramkumar, S/o.Nagaraj, convict prisoner, bearing Convict No.18505, now confined at Central Prison, Coimbatore, commencing from 20.12.2025 to 16.01.2026. The petitioner is directed to bear the expenses of one escort alone.

6. After expiry of the ordinary leave, the convict prisoner shall be produced before the prison authority by the Escort on 17.01.2026 before 10.30 a.m. It is made clear that the convict prisoner shall not indulge in any other unlawful activities and if any violation, the leave granted to the convict prisoner shall stand canceled automatically without any further reference to this Court.



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7. With the above directions, this Writ Petition stands disposed of. Consequently, the connected miscellaneous petition stands closed.

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(P.V., J) (M.J.R., J)
19.12.2025

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Note: Issue order copy on 19.12.2025



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To

1. The Deputy Inspector General of Prison
Coimbatore Range
Coimbatore – 641 018
2. The Superintendent
Coimbatore Central Prison
Coimbatore – 641 018
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

and

M.JOTHIRAMAN, J

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