



W.P.Crl.No.328 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 22.08.2025

PRONOUNCED ON: 02. 09.2025

WEB COPY

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

W.P.Crl.No.328 of 2025
and WPMP.Crl.No.149 of 2025

R.Sundari

... Petitioner/wife of the detenue

Vs.

The State represented by its,

1.The Secretary to Government of Tamil Nadu,
Home (Prison-IV) Department,
Fort St. George,
Chennai-600 094

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

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

... Respondents



W.P.Crl.No.328 of 2025

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.RO-VLR/466/2025-CAMP(A), dated 19.06.2025 passed by the second respondent and quash the same and consecutively, direct the respondents to grant ordinary leave for 21 days, without escort to the detenue, Ramadoss, S/o.Kaliyaperumal, aged 55 years, PID No.367968, detained at Central Prison, Cuddalore.

For Petitioner : Dr.S.Manoharan

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

ORDER

M.S.RAMESH, J.

When the petitioner, who is the wife of the convict prisoner, had sought for grant of ordinary leave for her husband, the Deputy Inspector General of Prisons, Vellore, by an order dated 19.06.2025, had granted 21 days of ordinary leave, with escort, subject to certain conditions. The petitioner is aggrieved against the grant of leave 'with escort' and seeks for modification of the order into one 'without escort'.



W.P.Crl.No.328 of 2025

WEB COPY

2. The particulars of the life convict prisoner supplied to us evidences that he was earlier granted ordinary leave by this Court for a period of 21 days, through an order passed in W.P.No.30377 of 2024 dated 21.10.2024, for the period from 25.10.2024 to 14.11.2024.

3. Rule 22(2) of Tamil Nadu Suspension of Sentence Rules, 1982, prescribes the spell of ordinary leave to which a convict prisoner would be eligible, depending on the period of actual imprisonment undergone by him.

4. Under Rule 22(3), a prisoner who has already availed the maximum leave under Sub Rule (2), will be eligible for the grant of ordinary leave, only after completion of one year of imprisonment from the date of his return from his last ordinary leave. The Suspension of Sentence Rules regulate, *inter alia*, the grounds on which ordinary leave can be availed, the eligibility and non eligibility criteria for prisoners to claim such leave, as well as the authority of the Deputy Inspector General of Prisons to consider such leave applications. Thus, the Deputy Inspector General of Prisons, being the competent authority to order the release of prisoners on ordinary



W.P.Crl.No.328 of 2025

leave, is mandated to ensure that all the conditions stipulated in the

WEB.COM Suspension of Sentence Rules are satisfied before granting such leave.

5. When Sub Rule (3) specifically disentitles a prisoner to avail the second or subsequent spell of ordinary leave before completion of one year of imprisonment from the date of his return from the last ordinary leave, the convict prisoner in this case, who had returned from his earlier spell of ordinary leave only on 14.11.2024, would be eligible for the next spell of his ordinary leave only, upon completion of one year thereafter.

6. Under Rule 19, the Deputy Inspector General of Prisons is authorized to order the release of prisoners on ordinary leave, subject to the satisfaction of all the conditions in the Suspension of Sentence Rules. While that being so, the present impugned order granting subsequent spell of ordinary leave, even before completion of one year from the earlier spell, is contrary to Rule 22(3) and therefore, cannot be legally sustained.



W.P.Crl.No.328 of 2025

WEB COPY

7. We hasten to add here that if at all, the reason assigned by the petitioner seeking for leave, falls under any of the grounds specified under Rule 6 for the grant of “emergency leave”, the Superintendent of Prisons will be well within his authority to consider such a request, subject to satisfaction of all other conditions prescribed under the Suspension of Sentence Rules.

8. In the result, the impugned order made in No.RO-VLR/466/2025-CAMP(A) dated 19.06.2025 on the file of the second respondent is set aside. In case the petitioner intends to avail emergency leave, on any of the grounds specified under Rule 6, liberty is hereby granted to her to make an appropriate application in the prescribed form to the Superintendent of Prisons. Upon receipt of the same, the Superintendent of Prisons shall consider it on its own merits and in accordance with the procedure contemplated under the Tamil Nadu Suspension of Sentence Rules, and pass appropriate order within a period of one (1) week from the date of receipt of the representation.



W.P.Crl.No.328 of 2025

WEB COPY 9. With the above liberty, this Criminal Writ Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

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

02 .09.2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No
Anu



W.P.Crl.No.328 of 2025

WEB COPY

1.The Secretary to Government of Tamil Nadu,
Home (Prison-IV) Department,
Fort St. George,
Chennai-600 094

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

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

4.The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.Crl.No.328 of 2025

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

Anu

Pre-delivery order in
W.P.Crl.No.328 of 2025
and WPMP.Crl.No.149 of 2025

02.09.2025