

W.P.(Clr.)No.475 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-09-2025

CORAM:

THE HONOURABLE MRS. JUSTICE **J. NISHA BANU**

AND

THE HONOURABLE MR. JUSTICE **S. SOUNTHAR**

W.P.(Crl.)No.475 of 2025

and

W.P.M.P.No.225 of 2025

Blessita

W/o Thiagarajan

... Petitioner

Vs.

1. The Home Secretary,
Home Department (Prison),
Secretariat, Fort St.George,
Chennai – 600 009.

2. The Inspector General of Prisons,
Prison Head Quarters,
Egmore,
Chennai - 600 008.

2. The Superintendent of Prisons,
Central Prison-1,
Puzhal, Chennai – 600 066.

... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the 3rd respondent dated 21.06.2025 and quash the same and consequently direct



W.P.(Clr.)No.475 of 2025

the 3rd respondent to grant 28 days ordinary leave to the petitioner's

husband, Thiagarajan, S/o Murugesan, aged 44 years, (Convict Prisoner

No.8434, PID.No.239015) confined at Central Prison-I, Puzhal, Chennai.

For Petitioner : Mr. P.M.Basil

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

J.Nisha Banu,J.

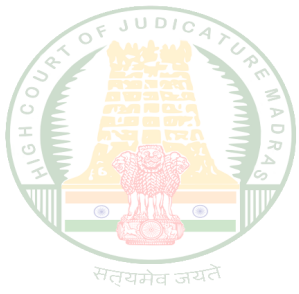
and

S.Sounthar,J.

This Writ Petition has been filed by the wife of the life convict, challenging the impugned order dated 21.06.2025 passed by the 3rd respondent, rejecting the representation of the prisoner dated 06.05.2025.

2. The only reason assigned in the impugned order for rejecting the prisoner's request for grant of ordinary leave is that since trial is pending against him in three cases as per Rule 35 of the Tamil Nadu Suspension of Sentence Rules, 1982, he is not eligible for ordinary leave.

3. According to the petitioner, she is suffering from breast cancer and undergoing treatment and due to financial hardship and absence of breadwinner, the two minor children are suffering and the presence of her husband is very much necessary to continue her treatment. Hence, prayed to set aside the impugned order.



W.P.(Clr.)No.475 of 2025

WEB CO

4. Learned Additional Public Prosecutor filed a proforma dated 02.08.2025 and would state that previously, the prisoner was granted 21 days ordinary leave without escort between 23.07.2024 to 30.07.2024 and thereafter, 6 days leave without escort between 22.02.2025 to 27.02.2025. During the leave period, the prisoner complied with the conditions regularly. However, within one year, the prisoner has requested for third leave and hence, the same was rejected.

5. The petitioner is a cancer patient. She is having two minor children. She needs the assistance of her husband to continue her treatment and to support her children. Though the representation of the prisoner was rejected by citing Rule 35 of Tamil Nadu Suspension of Sentence Rules, 1982, in exercise of powers under Article 226 of the Constitution of India and keeping in line with the decision of the Hon'ble Supreme Court in '*Dadu alias Tulsidas Vs. State of Maharashtra*' reported in '*(2000) 8 SCC 437*', this Court is inclined to grant leave for a period of 10 days to the life convict as this Court is convinced with the reasons stated by the petitioner in the affidavit filed in support of the petition.

6. Accordingly, the impugned order dated 21.06.2025 passed in



W.P.(Clr.)No.475 of 2025

No.NIL by the third respondent, is hereby quashed. Consequently,

Ordinary Leave for a period of 10 days without escort, is granted to the petitioner's husband/life convict, namely, Thiyagarajan, S/o Murugesan, aged 44 years, (Convict Prisoner No.8434, PID.No.239015, commencing from 17.09.2025 to 26.09.2025, now confined in Central Prison-I, Puzhal, Chennai, with a condition that the life convict shall report before the jurisdictional Police i.e. Kottar Police Station, Nagarcoil, twice a week on Thursday and Monday at 10.30 a.m. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 27.09.2025 before 10.00 a.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.

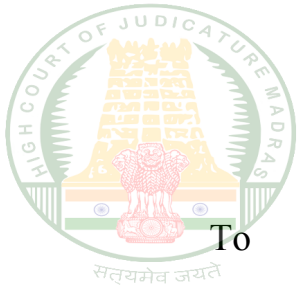
7. The Writ Petition is ordered in the above terms. Consequently, connected miscellaneous petition is closed.

(J.NISHA BANU, J.) (S. SOUNTHAR, J.)

12-09-2025

vsi

Note: Upload and issue order copy forthwith

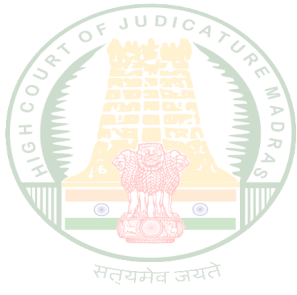


W.P.(Clr.)No.475 of 2025

To

WEB COPY

1. The Home Secretary,
Home Department (Prison),
Secretariat, Fort St.George,
Chennai – 600 009.
2. The Inspector General of Prisons,
Prison Head Quarters,
Egmore,
Chennai - 600 008.
2. The Superintendent of Prisons,
Central Prison-1,
Puzhal, Chennai – 600 066.
4. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY



W.P.(Clr.)No.475 of 2025

J. NISHA BANU, J.
and
S. SOUNTHAR, J.

vsi

W.P.(Crl.)No.475 of 2025

12-09-2025