



W.P.(CrI).No.817 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.12.2025

Coram:

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

W.P.(CrI).No.817 of 2025
and
W.P.M.P.(CrI).No.364 of 2025

Baby, W/o Dhurabu

.. Petitioner

Vs.

1. The State represented by its
Deputy Inspector General of Prison,
Gandhi Irwin Road,
Egmore, Chennai-600 008.

2. The Superintendent,
Puzhal Central Prison-I,
Puzha - 600 066.

.. Respondents

Writ Petition (Criminal) filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records connected with impugned order, dated 18.08.2025 passed by the second respondent and quash the same and consequently direct the respondents to grant ordinary leave for 30 days without escort to the detenu Raja, S/o Dhurabu, aged about 38 years bearing PID.No.330257, confined at Central Prison-I, Puzhal.



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For petitioner : M/s.S.Sadhana

For respondent: Mr.R.Muniyapparaj, Addl.P.P.
assisted by Mr.M.Sylvester John

ORDER

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

This Writ Petition (Criminal) is filed praying for issuance of a Writ of Certiorarified Mandamus to call for the records connected with impugned order, dated 18.08.2025 passed by the second respondent and quash the same and consequently direct the respondents to grant ordinary leave for 30 days without escort to the detenu Raja, S/o Dhurabu, aged about 38 years bearing PID.No.330257, confined at Central Prison-I, Puzhal.

2. Already, this Court in various cases, including in W.P.(CrI).Nos.722 of 2025, etc, dated 19.11.2025 (Sheefa Rani Vs. The Secretary to Government of Tamil Nadu, Home Department, Fort St.George, Chennai-600 009 and two others) and also in W.P.No.30216 of 2024, etc., dated 19.11.2025 (Zubaitha Begum Vs. The State represented by its Home Secretary, Prison Department (IV). St.George Fort, Secretariat, Chennai-600 009 and others), held that when the appeal is pending before Court, the convict prisoner is not entitled to file any leave application before the Court. Since there is an enabling provision under Section 389 Cr.P.C. to seek suspension of sentence pending the Criminal Appeal, the petitioner is at liberty to work out her remedy before the appellate



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Court where the Criminal Appeal is pending. Therefore, this petition seeking Ordinary Leave for 30 days without escort to the detenu Raja, S/o Dhurabu, is dismissed. Consequently, the miscellaneous petition is closed.

(P.V., J) (M.J.R., J)
04.12.2025

CS

To

1. The Deputy Inspector General of Prison,
Gandhi Irwin Road,
Egmore, Chennai-600 008.
2. The Superintendent,
Puzhal Central Prison-I,
Puzha - 600 066.
3. The Public Prosecutor, High Court, Madras.



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P.VELMURUGAN, J
and
M.JOTHIRAMAN, J

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