



WEB COPY

WP Crl. No. 1126 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

WP Crl. No. 1126 of 2025

S.Puspavathi

Appellant(s)

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

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

3.The Superintendent of Prison,
Central Prison, Cuddalore - 4.

Respondent(s)

PRAYER

This Writ Petition has been filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records No.1148128/Tha.Ku2/2025, dated 23.6.2025 passed by respondent No.3, and quash the same and consequently direct the respondents to grant 30 days



ordinary leave to the petitioner's husband namely Super @ Subrayan S/o.Athimoolam, aged 58 years, (CT.No.15249) now confined in the Central Prison, Cuddalore-4.

For Appellant(s): Mr. P.Pugalenth

For Respondent: Mr. A.Gokulakrishnan,
Addl. Public Prosecutor

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

Challenging the order passed by the third respondent dated 23.06.2025, the present writ petition has been filed.

2. According to the petitioner, her husband is serving a life sentence for the offence under Section 302 IPC and has been in prison for the past 11 years. To make arrangements for the marriage of their elder daughter, the petitioner had given a representation dated 16.06.2025 seeking grant of 30 days ordinary leave to her husband, which has been rejected by an order dated 23.06.2025. Hence, the present petition has been filed.



3. The learned Additional Public Prosecutor, on instructions, would submit that the petitioner's husband has already availed the eligible leave.

Therefore, the second spell of leave will be available to him only after completion of one year from the earlier spell. Hence, he is not entitled to ordinary leave at this juncture.

4. We have considered the matter in the light of the submissions made by the learned counsel on both sides.

5. Of course, what the learned Additional Public Prosecutor has submitted is in accordance with the rules. However, the order impugned has been passed by the Superintendent of Prison instead of the Deputy Inspector General of Prisons, as required under Rule 24(4) of the Tamil Nadu Suspension of Sentence Rules.

6. Be that as it may, once there is a clear statutory bar under Rules, as a matter of right, such leave cannot be granted immediately. However, if there is



any compelling circumstance warranting leave, the petitioner may give a representation to the Government.

7. The learned counsel for the petitioner would submit that the petitioner had already given a representation to the Government on 16.06.2025, however, no order has been passed by the Government, and only the Superintendent of Prison has passed such an order.

8. It is clear that even for granting the ordinary leave, only the Deputy Inspector General of Prisons is the competent authority as per Rule 24(4) of the Tamilnadu Suspension of Sentence Rules. That being so, the rejection order passed by the Superintendent of Prison cannot be sustained in the eye of law.

9. In merit, as the petitioner's husband has already availed ordinary leave, it is for the Government to take a call and exercise the discretion vested in it under Rule 40.



10. In view of the above, the impugned order passed by the third respondent is quashed and as the petitioner has already submitted a representation, let the first respondent Government consider the same and pass appropriate orders on merits and in accordance with law within a period of one month from the date of receipt of a copy of this order.

11. With the above observations and directions, this Writ Petition (criminal) stands disposed of.

(N.SATHISH KUMAR J.) (M.JOTHIRAMAN J.)

31-10-2025

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Index : yes/ no

Internet : yes/no

Speaking Order/Non-speaking order

Neutral Citation: Yes/No

mrp



To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

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

3. The Superintendent of Prison
Central Prison, Cuddalore – 4.

4. The Public Prosecutor,
High Court of Madras, Chennai.



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