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WP Crl. No. 1236 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

CORAM

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

WP Crl. No. 1236 of 2025

Shainsha

Appellant(s)

Vs

1. State Represented by its
Secretary to the Government of Tamilnadu,
Home (Prison-IV) Department, Fort St.George,
Chennai - 600 009.

2.The Superintendent of Police
Central Prison-1, Red hills,
Puzhal I, Chennai - 600 066.

Respondent(s)

PRAYER

This Writ Petition has been filed to issue a writ of certiorarified mandamus to call for the records relating to the impugned order dated 04.09.2025 passed by the 2nd respondent, quash the same and consequently



direct the 2nd respondent to grant emergency leave for a period of 28 days to the petitioner CT No. 10640 (PID No. 174447) who is presently confined at Central Prison, Puzhal -I, Chennai to enable the petitioner to perform the religious marriage rituals in connection with the marriage of his son scheduled on 07.11.2025.

For Appellant(s): Mr. N.S.Sivakumar

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

ORDER

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

Challenging the order dated 04.09.2025, passed by the second respondent rejecting the leave application, the present petition has been filed.

2. The learned counsel for the petitioner would submit that the petitioner has only sought emergency leave for his son's marriage, which is scheduled to be held on 07.11.2025. However, while submitting the application, he had wrongly mentioned it as ordinary leave, which has been rejected.



3. The learned Additional Public Prosecutor would submit that the petitioner is not entitled to ordinary leave since he has not completed three years of imprisonment.

4. Considering the fact that the marriage invitation and the receipt for booking of the marriage hall have been produced, this Court is of the view that the petitioner is entitled only to emergency leave under Rule 6 of the Suspension of Sentence Rules. Rule 6 read with Rule 13 deals with the maximum period of emergency leave. As per Rule 13, the maximum period of emergency leave shall be 15 days per spell, depending on the need of the prisoner.

5. In such view of the matter, since the marriage is scheduled to be held on 07.11.2025, the petitioner is granted six days emergency leave, for the period of six days commencing from 06.11.2025 till 11.11.2025. Thus, this Court is inclined to grant 6 days Emergency Leave to the convict prisoner.



6. Accordingly, the impugned order dated 04.09.2025 passed by the second respondent is quashed and the convict prisoner viz., **Shainsha S/o. Ismail**, aged about 42 years, convict prisoner, (CT.No.10640) (PID No.17447), confined at Central Prison-1, Puzhal, is hereby granted Emergency Leave for a period of 6 days, with escort in the form of civilians, commencing from 06.11.2025 to 11.11.2025, subject to the following conditions:-

(i) The convict prisoner shall be **released from the prison at 10.00 a.m on 06.11.2025.**

(ii) The convict prisoner shall **return back to the prison on or before 10.00 p.m. of 12.11.2025.**

(iii) The Convict Prisoner shall utilize the said leave only for the purpose for which it has been granted and shall not indulge in any other activities.

(iv) The petitioner shall pay the extra charges in advance.



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7. With the above directions, the writ petition stands **disposed of**.

(N.SATHISH KUMAR J.)

(M.JOTHIRAMAN J.)

03-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mrp

Note : Issue order copy on 05.11.2025.

To

1. The Secretary to the Government of Tamilnadu,
Home (Prison-IV) Department, Fort St.George,
Chennai - 600 009.

2.The Superintendent of Police,
Central Prison-1, Red hills, Puzhal I,
Chennai - 600 066.

3. The Public Prosecutor,
High Court of Madras.



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