



WEB COPY



W.P.Crl.No.1340 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.Crl.No.1340 of 2025
and WPMP.Crl.Nos.646 & 647 of 2025

Neelambal

... Petitioner

Versus

- 1.The State rep by its
The Home Secretary
Home Department, Secretariat
Fort St.George, Chennai – 600 009
- 2.The Deputy Inspector General of Prison
Prison and Correctional Services Department
Trichy Range, Trichy
- 3.The Superintendent of Prison
Central Prison
Special Prison for Women
Trichy
- 4.The Inspector of Police
Udayarpalayam Police Station
Ariyalur District
Cr.No.31 of 2022

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus, calling for the records



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pertaining to the issuance of impugned order in proceedings No.RO-TRY/507/2025-CA dated 14.09.2025 issued by the 2nd respondent and impugned order in Proceedings No.404518/PO.5/2025 dated 29.09.2025 issued by the 3rd respondent and quash the same as illegal and unconstitutional and consequently issue a direction to the respondents to grant leave of permission without escort to the petitioner (PID No.404518) now confined in Special Prison for Women, Central Prison, Trichy to undergo medical treatment to cure the cancer in petitioner's right breast and also to block the further spreading of cancer cell in the other parts of the body at private hospital at petitioner's own expenses and to stay at petitioner's residence along with petitioner's relative until the cancer is cured by taking consideration of the petitioner's health condition and to save petitioner's life.

For Petitioner : Mr.A.Kalaivanan
For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

The present writ petition has been filed challenging the orders of rejection of the request to grant leave to the petitioner on the ground of cancer treatment.

2. When the case was taken up, it is brought to our notice that the petitioner has filed appeal against the order of her conviction and sentence imposed by the learned Principal Sessions and District Judge, Ariyalur in S.C.No.92 of 2023 dated 25.02.2025 in Crl.A.No.380 of 2025 and



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miscellaneous petition in Crl.M.P.No.7769 of 2025 has been filed seeking to suspend the sentence imposed on her pending disposal of the criminal appeal.

3. This Court vide order dated 19.11.2025 in *Sheefa Rani vs. The Secretary to Government of Tamil Nadu* made in *WP.Crl.Nos.722 of 2025 etc.*, cases referred the matter before the Hon'ble Chief Justice with a request to constitute a larger Bench to authoritatively decide the issue with regard to the grant of leave under Suspension of Sentence Rules, while exercising the power under Article 226 of the Constitution of India, in pending appeal cases; since the Full Bench decision in *T.Ramalakshmi v. State and others* reported in (2025) 1 LW (Crl.) 310 is contrary to the earlier Full Bench decision in *State vs. Yesu* reported in (2011) 5 CTC 353 and is also running counter to the principle laid down by the Constitution Bench of the Hon'ble Supreme Court in the case of *K.M.Nanavati vs. State of Bombay* reported in AIR 1961 SC 112

4. In view of the above, since, the petitioner has filed a petition for suspending the sentence imposed on her in Crl.M.P.No.7769 of 2025 in



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Crl.A.No.380 of 2025, it is well open to the petitioner to seek disposal of the application for suspension of sentence pending disposal of the criminal appeal instead of seeking leave vide this writ petition under Article 226 of the Constitution of India.

5. In such view of the matter, the present petition stands dismissed.

No costs. Consequently, connected miscellaneous petitions stand closed.

[N.S.K.,J.] [M.J.R.,J.]
20.11.2025

Index: Yes/No
Neutral Citation: Yes/No
dhk

To

1.The Home Secretary
Home Department, Secretariat

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Fort St.George, Chennai – 600 009

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5. The Public Prosecutor
High Court, Madras.



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