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W.P.Crl.No.1382 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

CORAM

**THE HONOURABLE MR JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.P.Crl.No.1382 of 2025
and W.P.M.P.Crl.No.663 of 2025**

Amutha
W/o.Sreedhar,
No.62/1, Vempuliamman Kovil Street,
Tiruvallur- 602 001.

Petitioner(s)

Vs

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

2.The Superintendent
Puzhal Central Prison-1, Puzhal- 600 066.

Respondent(s)

Writ Petition (Criminal) filed under Article 226 of the Constitution of
India to call for the records connected with the impugned order dated
21.07.2025 passed by the second respondent and quash the same and
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consequently directing the respondents to grant ordinary leave for 30 days without escort to the detenu Sreedhar, S/o.Sundram, aged about 55 years, bearing Convict No.7721 (PID No.40023) confined at the Central Prison-I, Puzhal.

For Petitioner(s) : Mr.S.Sadhana

For Respondent(s) : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

(made by P.VELMURUGAN, J.)

The present writ petition (criminal) has been filed calling for the records connected with the impugned order dated 21.07.2025 passed by the second respondent and quash the same and consequently directing the respondents to grant ordinary leave for 30 days without escort to the detenu Sreedhar, S/o.Sundram, aged about 55 years, bearing Convict No.7721 (PID No.40023) confined at the Central Prison-I, Puzhal.



2. It is the case of the petitioner that she is the wife of the convict prisoner *viz.* Sreedhar, S/o.Sundram, aged about 55 years, Convict Prisoner No.7721, detained at the Central Prison-I, Puzhal; the respondent has passed an order dated 21.07.2025 rejecting 30 days ordinary leave sought by her on the ground that her husband has one previous case pending trial and therefore, as per rules, he is not entitled to ordinary leave, challenging which, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner has underwent an operation due to a blood clot in the brain nervous system, due to which, she is now paralyzed at home and advised to be admitted in the hospital for treatment and therefore, in order to raise funds for the treatment, the petitioner's husband's presence is very much necessary. He would further submit that even though the Probation Officer recommended for granting leave to the petitioner's husband, the same has not been considered while passing the impugned order. Hence, he seeks ordinary leave.



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4. The learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner's husband has got another case pending trial and therefore, as per Rule 35 of the Tamil Nadu Suspension of Sentence Rules, 1982, he is not entitled to avail ordinary leave and hence, the leave sought by the petitioner for her husband was rejected.

5. We perused the records available on record. It is seen that the Probation Officer, after field verification, filed a report stating that the reasons sought by the petitioner in her representation is genuine and there is no legal impediment for granting leave to the petitioner's husband, but, the said recommendation made by the Probation Officer has not been considered by the prison authorities, while passing the impugned order. Except the fact that the husband of the petitioner is having yet another case pending trial, there is no other legal impediment to grant leave for him.

6. In such view of the case, the impugned order dated 21.07.2025 passed by the second respondent is set aside and the convict prisoner *viz.* Sreedhar, S/o.Sundram, aged about 55 years, Convict Prisoner No.7721, detained at the Central Prison, Puzhal-I, is granted twenty eight days



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ordinary leave **from 15.12.2025 to 11.01.2026** with sufficient escort,

however, the convict prisoner shall bear the expenses of only one escort.

Further, the convict prisoner, during this leave period, shall appear before the trial Court as and when his personal appearance is necessary. After expiry of the ordinary leave, the convict prisoner shall surrender before the prison authorities on or before **10.00 a.m. on 12.01.2026**. The convict prisoner shall utilize the leave only for the purpose, for which, it has been granted and shall not indulge in any other activities.

With the above directions, this writ petition (criminal) stands allowed.

(P.V., J.) (M.J.R., J.)
08.12.2025

nsd

Note: Issue copy of this order on 12.12.2025.

To

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

2.The Superintendent of Prison, Central Prison, Puzhal, Chennai.

3.The Inspector of Police
Tiruvallur Town Police Station Tiruvallur District

3.The Public Prosecutor
Madras High Court, Chennai – 600 104

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