



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.12.2025

Coram:

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

W.P.(CrI).No.1422 of 2025

and

W.M.P.(CrI).No.693 of 2025

Mrs.Blessita, W/o Thiyagarajan

.. Petitioner

Vs.

1. The Home Secretary,
Home Department (Prison),
Secretariat,
Fort St.George,
Chennai-600 009.
2. The Inspector General of Prisons,
Prison Head Quarters,
Egmore, Chennai-600 008.
3. The Superintendent of Prison,
Central Prison-I,
Puzhal, Chennai-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 relating to the proceedings in CP-PU1/3321/2025-R2, dated 24.10.2025 by the third respondent and quash the same and consequently direct the third respondent to grant 28 days ordinary leave without escort to the petitioner's husband Thiyagarajan, S/o Murugesan, aged 44 years (Convict Prisoner No.8434) is to grant 28 days ordinary leave without escort, confined at Central Prison-I, Puzhal, Chennai.

For petitioner : Mr.P.M.Basil

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

ORDER

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

The petitioner has filed the present petition seeking for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings in CP-PU1/3321/2025-R2, dated 24.10.2025 by the third respondent and quash the same and consequently direct the third respondent to grant 28 days ordinary leave without escort to the petitioner's husband Thiyagarajan, S/o Murugesan,

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aged 44 years (Convict Prisoner No.8434), who is confined at Central Prison-I, Puzhal, Chennai.

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2. Learned counsel for the petitioner submitted that though the petitioner is eligible for ordinary leave of 28 days, earlier the same was rejected, however, this Court granted only 10 days leave and now it is stated that the petitioner is suffering from Breast Cancer and also considering the fact that the educational expenses of the children are to be taken care of, and hence, she has filed an application before the third respondent for granting ordinary leave. However, the third respondent rejected the same, and challenging the same, now the petitioner is before this Court.

3. Learned Additional Public Prosecutor appearing for the respondents submitted that, already, the detenu was granted 10 days leave and since there are three more cases pending trial, he is not eligible for the ordinary leave as per



Rule 35 of the Tamil Nadu Suspension of Sentence Rules, and therefore, the

impugned order passed by the third respondent is in order.

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4. Heard both sides and perused the materials available on record.

5. Though three cases are pending against the detenu and two of those cases are under Section 302 IPC, however, the petitioner is suffering from Breast Cancer, and the Probation Officer had field verification and filed a report stating that the detenu's wife is suffering from the said cancer.

6. Therefore, considering the facts and circumstances of the case, though as per Rule 35 of the Tamil Nadu Suspension of Sentence Rules, the detenu is not eligible for grant of leave, however, considering this case as a special case, since the life partner of the detenu is suffering from Breast Cancer, this Court is inclined to grant 18 days leave for the convict who is the husband of the



petitioner herein, with escort. The petitioner is directed to bear the expenses of one Escort.

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7. With the above direction, since the cases are pending at the trial stage, the detenu is directed to appear before the trial Court on all hearing dates of those cases without fail. Failing the same, the detenu is not entitled to get leave and immediately, the respondents are directed to secure him and produce him before the trial Court for progress of the trial.

8. With the above direction, this petition is disposed of. The Miscellaneous Petition is closed.

(P.V., J) (M.J.R., J)
01.12.2025

CS

To

1. The Home Secretary,

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Home Department (Prison),
Secretariat, Fort St.George,
Chennai-600 009.

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2. The Inspector General of Prisons,
Prison Head Quarters,
Egmore, Chennai-600 008.
3. The Superintendent of Prison,
Central Prison-I,
Puzhal, Chennai-600 066.
4. The Public Prosecutor, High Court, Madras.

P.VELMURUGAN, J

and

M.JOTHIRAMAN, J

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