



W.P.(MD) No.5151 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.03.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

W.P.(MD)No.5151 of 2025

and

W.M.P(MD)No.3759 of 2025

S.Ajith

... Petitioner

-Vs-

- 1.The State rep by its
Principal Secretary to Government
Home, Prohibition & Excise(Prison-IV) Department
Fort St.George,
Chennai-600 009.
- 2.The Inspector General of Prisons,
O/o.Prison Department Headquartes,
Whannels Road,
Egmore, Chennai-600 008.
- 3.The Deputy Inspector General of Prisons,
Trichy Range,
Race Course Road,
Trichy-620 023
- 4.The Superintendent of Prisons,
Central Prison,
Trichy-620 020



W.P.(MD) No.5151 of 2025

5. The Commissioner of Police,
City Police Office,
Pudukkottai Main Road,
Trichy-620 020.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for the records relating to the impugned order passed by the third respondent vide proceeding in No.24/MuVu/2025 dated 22.02.2025, and quash the same as illegal and void, consequently grant 21 days ordinary leave without escort to the petitioner's father A.K.Subbu @ K.Subramanian, S/o.Krishnasamy(Convict Prisoner No.23386, P.I.D.No.235504) confined at Central Prison, Trichy forthwith considering the representation dated 02.01.2025.

For Petitioner : Mr.C.Karthikeyan
For Respondents : Mr.A.Thiruvadikumar,

Additional Government Pleader

ORDER

DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

The petitioner herein convict for two years rigorous imprisonment sought for 21 days ordinary leave in view of his son's marriage.

2.However, the said request was rejected on the ground that the petitioner has already availed 21 days ordinary leave during the current one year period and also there is some cases are pending against him.



W.P.(MD) No.5151 of 2025

3.The learned counsel appearing for the petitioner states that the marriage of the petitioner's son is scheduled to be solemnized on 12.03.2025 at Trichy. Therefore, his request for ordinary leave ought to have considered and the rejection order is, therefore, bad in law.

4.The learned Additional Public Prosecutor has filed counter wherein the facts of the case and conviction details are stated. It is also placed on record that earlier the petitioner has availed emergency leave as well as the ordinary leave on various occasions and as on date, he has no ordinary leave in his account. However, the learned Additional Public Prosecutor would submit that the petitioner is entitled for emergency leave on account of his son's marriage, if any such application is made and that application will be considered in accordance with law.

5.This Court take note of the fact that the petitioner is entitled for emergency leave to attend his son's marriage and the marriage is scheduled on 12.03.2025, there is no sufficient time for the petitioner herein to make representation to the authorities and for the authorities to consider the said representation and pass order. Therefore, this Court is of the view that three(3) days emergency leave for the petitioner be granted from 11.03.2025 to 13.03.2025



W.P.(MD) No.5151 of 2025

without escort to attend his son's marriage, after getting necessary request and supporting documents. The petitioner shall be released on 11.03.2025 at 09.00 a.m., and he shall report before the Jail Superintendent, Trichy, on 13.03.2025 before 05.00 p.m.

6. With the above observation and direction, the Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is also closed.

[G.J., J.] & [R.P., J.]

05.03.2025

NCC : Yes / No
Index : Yes / No
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- 5.The Commissioner of Police,
City Police Office,
Pudukkottai Main Road,
Trichy-620 020.
- 6.*The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.*



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