

W.P.CRL(MD)No.60 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.P.CRL(MD)No.60 of 2025
and
WMP.CRL(MD)No.12 of 2025**

Jagadeeswaran

... Petitioner

VS.

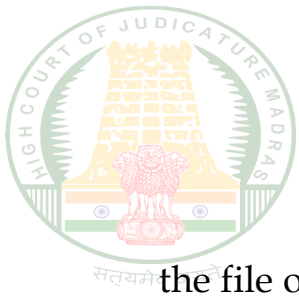
1. The Secretary to Government,
Department of Law, Courts and Prisons,
Secretariat, Chennai.

2. The Director General of Prisons,
Thalamuthu Natarajan Maligai,
Gandhi Irwin Road,
Chennai-600 008.

3. The Superintendent of Prisons,
Central Prison,
Palayamkottai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 25.04.2025 made in No.522/T.K2/2025 on



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the file of the 3rd respondent and quash the same consequently direct the respondents to grant emergency leave to the petitioner's brother Vigneswaran @ Vicky S/o. Boopathy Convict at Central Prison, Palayamkottai.

For Petitioner : Mr.R.Rajan
For Respondents: Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

[Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

Challenging the order passed by the 3rd respondent dated 25.04.2025, rejecting the request of the petitioner to grant emergency leave to his brother/convict prisoner namely, Vigneswaran @ Vicky (Convict Prisoner No.5226), this writ petition is filed to quash the same, with a consequential direction to the respondents to grant emergency leave to the petitioner's brother.

2. The learned counsel for the petitioner would submit that the petitioner sought for emergency leave to his brother/convict prisoner to visit his ailing mother. However, without considering the same, the 3rd



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respondent rejected the request of the petitioner. Thus, the learned counsel would pray for setting aside the impugned order.

3. The learned Additional Public Prosecutor who takes notice for the respondents, submitted that the petitioner's brother has been convicted for an offence under the NDPS Act for being possession of commercial quantity and yet another case in Crime No.452/2013 (S.C.No.35/21) on the file of Kenikkarai Police station, for an offence under Section 302 IPC is pending against the convict prisoner and the said case is pending in trial before the Additional District Judge, Ramanathapuram, and thereby, he is not eligible for leave as per Rule 35 of the Tamil Nadu Suspension of Sentence Rules. Therefore, the 3rd respondent has rightly rejected the request of the petitioner vide impugned order, which does not warrant interference by this Court.

4. Though the learned Prosecutor submitted that since there is a pending case against the convict prisoner, he is not entitled to emergency leave as per Rule 35 of the Tamil Nadu Suspension of



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Sentence Rules, it will not denude the powers of this Court to grant emergency leave. Taking into consideration the request of the petitioner that her brother's presence is required to visit his ailing mother and the fact that the convict prisoner had not gone on leave even once after his conviction, we are inclined to grant emergency leave to the convict prisoner for 3 days with sufficient escorts, on the following conditions:

(i) The convict prisoner namely, Vigneswaran @ Vicky S/o. Boopathy (Convict Prisoner No.5226) now detained in the Central Prison, Palayamkottai, is granted emergency leave for 3 days from 01.07.2025 to 03.07.2025 with sufficient escorts.

(ii) The escorts shall provided by the Superintendent of Police, Ramnad.

(iii) The convict prisoner shall be released from the Prison at 5.00 p.m on 30.06.2025 and he shall return back to the Prison at 10.00 a.m on 04.07.2025.

(iv) The entire escort expenses shall be borne by the petitioner.



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(v) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual.

5. With the above direction, the Writ Petition stands allowed.

No costs. Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.] [R.P., J.]
26.06.2025

Index : Yes / No

Neutral Citation : Yes / No

Note to Registry:

***Issue order copy before Afternoon
on 30.06.2025.***

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To:

1. The Secretary to Government,
Department of Law, Courts and Prisons,
Secretariat, Chennai.

2. The Director General of Prisons,
Thalamuthu Natarajan Maligai,
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3. The Superintendent of Prisons,
Central Prison,
Palayamkottai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
W.P.CRL(MD)No.60 of 2025
DATED : 26.06.2025