



W.P.(MD) No.72 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P.(MD)No.72 of 2025

in

W.M.P(MD)No.14 of 2025

Balakrishnan

... Petitioner/

-Vs-

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

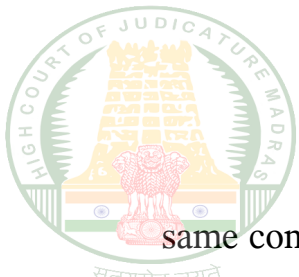
2.The Deputy Inspector General of Prisons,
Madurai Range,
Madurai-625 001.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai-627 007.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order in No.293/UTha.2/2025 dated 05.03.2025 passed by the 2nd respondent, quash the

Page 1 of 6



W.P.(MD) No.72 of 2025

same consequently, direct the respondents to grant 28 days ordinary leave without escort to the petitioner's son Prabakaran(Convict No.4904/PID No.21381).

For Petitioner : Mr.P.M.Basil
For Respondents : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

The order dated 05.03.2025, passed by the second respondent, rejecting the petitioner's request for grant of ordinary leave without escort, is under challenge in this writ petition.

2.The writ petitioner is the father of the life convict and for attending serious illness of his wife, he has sought for twenty eight(28) days ordinary leave to the life convict.

3.When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that the petitioner has been convicted for offence under Section 396 IPC and thereby sentenced to undergo life imprisonment and hence, the life convict is not eligible for ordinary leave, as per Rule 21(b) of the Tamil Nadu Suspension of Sentence Rules, 1982.



W.P.(MD) No.72 of 2025

4.The learned counsel appearing for the petitioner submitted that this Court, in W.P(MD)No.30277 of 2023 relying on *Akram Khan's case* in W.P.No. 21242 of 2023 and *Baskar's case* in W.P.No.27515 of 2023, has held that Rule 22(3) will not be an impediment when Constitutional powers are being exercised. The learned counsel for the petitioner further submitted that the petitioner's conduct was found to be good and he is now working as Para Legal Volunteer in the prison and the Probationary Officer has also recommended the case of the petitioner, since the life convict's mother is sick. Hence, he prays for 28 days of ordinary leave to the life convict.

5.The Division Bench of this Court in W.P(MD)No.30277 of 2023 has held that Rule 22(3) will not be an impediment when Constitutional powers are being exercised by this Court. Further, the conduct of the life convict is also stated to be good and he is working as Para Legal Volunteers in the prison and that the Probationary Officer has also recommended the case of the petitioner.

6.Recording the submission made by the learned Additional Public Prosecutor and considering the purpose for which the leave sought is for, we are inclined to direct the respondents to grant **twenty one days** ordinary leave to the petitioner's son without escort.

Page 3 of 6



W.P.(MD) No.72 of 2025

7. Accordingly, the writ petition is disposed of with the following

directions:

- (i) The respondents are directed to grant **twenty one days** ordinary leave to the petitioner's son, namely, Prabakaran(Convict No.4904/PID No.21381).
- (ii) The convict prisoner shall inform the prison authority about the convenient period for which he wants twenty one days ordinary leave.
- (iii) During the leave period, the convict prisoner shall appear before the Thachanallur Police Station daily at 07.00 a.m., and 07.00 p.m., without fail.
- (iv) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities,
- (v) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual.
- (vi) No costs.

[A.D.J.C., J.] & [R.P., J.]
18.06.2025

NCC : Yes / No

Index : Yes / No

Note:Issue order copy on 20.06.2025

Page 4 of 6



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W.P.(MD) No.72 of 2025

To

- 1.The Home Secretary,
Home Department(Prison)
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Deputy Inspector General of Prisons,
Madurai Range,
Madurai-625 001.
- 3.The Superintendant of Prison,
Central Prison,
Palayamkottai-627 007.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P.(MD) No.72 of 2025

A.D.JAGADISH CHANDIRA, J.

AND

R.POORNIMA, J.

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W.P.Crl(MD)No.72 of 2025

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