

W.P.CRL(MD)No.204 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2025

CORAM:

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

**W.P.CRL(MD)No.204 of 2025
and
WMP.CRL(MD)No.56 of 2025**

K.Rama

... Petitioner

vs.

1. The Home Secretary,
Government of Tamilnadu,
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 proceedings in No.5093/Thaku.2/2025 dated 30.05.2025



W.P.CRL(MD)No.204 of 2025

issued by the 3rd respondent, quash the same and consequently directing the respondents to grant 15 days emergency leave without escort to the petitioner's husband T.Suresh Kumar, S/o.N.Thangaraj (PID.472972), who is currently lodged at Central Prison, Palayamkottai.

For Petitioner : Mr.P.M.Basil

For Respondents: Mr.A.Thiruvadi Kumar

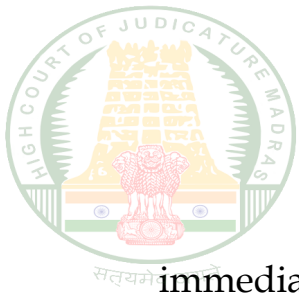
Additional Public Prosecutor

ORDER

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

Challenging the order passed by the 3rd respondent dated 30.05.2025, rejecting the request of the petitioner for granting emergency leave to her husband / convict prisoner namely, T.Suresh Kumar, S/o.N.Thangaraj (PID.472972), this writ petition is filed to quash the same, with a consequential direction to the respondents to grant 15 days emergency leave to the convict prisoner without escort.

2. The learned counsel for the petitioner would submit that the petitioner sought for emergency leave on the ground that the father of the convict prisoner is bedridden due to heart attack and he requires



W.P.CRL(MD)No.204 of 2025

WEB COPY

immediate hospitalisation and medical treatment and therefore, the convict prisoner being a son, his presence is very much required to admit his father in the hospital and provide necessary support. However, without considering the same, the 3rd 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 a case in Crime No.896/2014 on the file of Kottar Police station is pending against the convict prisoner 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



W.P.CRL(MD)No.204 of 2025

WEB COPY

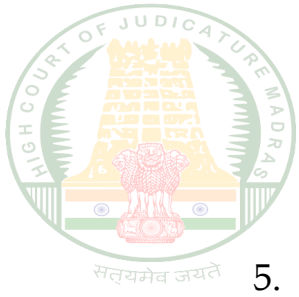
Sentence Rules, it will not denude the powers of this Court to grant emergency leave. Taking into consideration the request of the petitioner that her husband's presence is required to admit his ailing father in the hospital for treatment, we are inclined to grant emergency leave to the convict prisoner for 6 days with one escort, on the following conditions:

(i) The convict prisoner namely, T.Suresh Kumar, son of N.Thangaraj (PID.472972) now detained in the Central Prison, Palayamkottai, is granted emergency leave for 6 days from 28.06.2025 to 03.07.2025 with one escort.

(ii) The convict prisoner shall be released from the Prison at 5.00 p.m on 27.06.2025 and he shall return back to the Prison at 10.00 a.m on 04.07.2025.

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

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



W.P.CRL(MD)No.204 of 2025

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

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No costs. Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.] [R.P., J.]
25.06.2025

Index : Yes / No

Neutral Citation : Yes / No

Note to Registry:

Issue order copy on 26.06.2025.

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To:

1. The Home Secretary,
Government of Tamilnadu,
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.



W.P.CRL(MD)No.204 of 2025

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



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W.P.CRL(MD)No.204 of 2025

A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA, J.

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ORDER MADE IN
W.P.CRL(MD)No.204 of 2025
DATED : 25.06.2025