



W.P.Crl(MD)No.236 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P.Crl(MD)No.236 of 2025

S.Jegan @ Jegadeesan

.. Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Home, Prohibition and Excise (Prison-Iv) Department,
Fort St.George,
Chennai-600 009.

2. The Director General of Prisons,
O/o.Tamil Nadu Prisons Headquarters,
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.



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5. The Inspector of Police,
J-10, Semmancheri Police Station,
Chennai-600 119.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Impugned Order passed by the 3rd respondent vide his proceedings in No.108/MuVu/2025, dated 23.02.2025 and quash the same as void and illegal, consequently grant 40 days ordinary leave without police escort to the petitioner ie., S.Jegan @ Jegadeesann, son of Sundararajan, Convict No.23523(P.I.D.No.4691) confined at Central Prison, Trichy- 620 020 forthwith considering the petitioner's representation dated 13.01.2025.

For Petitioner : Mr.C.Karthikeyan

For Respondents : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

ORDER

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

Challenge is made to the order dated 23.02.2025 in No.108/MuVu/2025, passed by the third respondent rejecting the grant of ordinary leave to the petitioner/convict prisoner.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.



3. The learned counsel appearing for the petitioner would submit that earlier the convict prisoner was granted emergency leave by this Court and during such time, the convict prisoner was allowed to go without escort and thereby he prays for without escort.

4. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that since the case is pending against the petitioner in S.C.No.627 of 2023 on the file of the VII-Additional Sessions Judge, Chennai, the respondents have rejected the request of the convict citing Rule 35 of Tamil Nadu Suspension of Sentence Rule. Further in the main case, the petitioner has also been convicted for the offence of kidnapping for ransom and thereby Rule 21(h)(ii) also prohibits grant of leave to him and further, the case in S.C.No.627 of 2023 stands posted to 07.08.2025 for framing charges and at this stage, if the petitioner is granted leave, there is every possibility of absconding.

5. Though the Rule 35 of Tamil Nadu Suspension of Sentence Rules prohibits to grant of leave to the convict prisoner, it would not denude the powers of this Court to grant emergency leave.



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6. In view of the above, we are inclined to direct the respondents to grant six days emergency leave to the convict prisoner with sufficient escort after framing of charges in S.C.No.627 of 2023 pending on the file of the VII-Additional Sessions Judge, Chennai. It is made clear that the petitioner shall be sent on emergency leave with sufficient escort after framing of charges in the pending case. The escort charges shall be borne by the petitioner and if necessary, the same shall be adjusted from the income earned by the convict prisoner during the imprisonment period.

7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

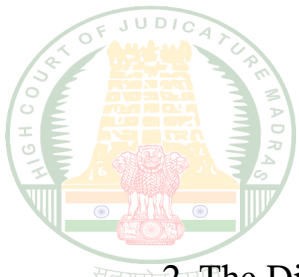
[A.D.J.C., J.] & [R.P., J.]
29.07.2025

NCC : Yes / No
Index : Yes / No
NCC : Yes/No
PJJ

Note: Issue order copy on 31.07.2025

To
1. The Principal Secretary to Government,
Home, Prohibition and Excise (Prison-Iv) Department,
Fort St. George,
Chennai-600 009.

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2. The Director General of Prisons,
O/o. Tamil Nadu Prisons Headquarters,
Whannels Road,
Egmore, Chennai-600 008.

3. The Deputy Inspector General of Prisons,
Trichy Range,
Race Course Road,
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4. The Superintendent of Prisons,
Central Prison,
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5. The Inspector of Police,
J-10, Semmancheri Police Station,
Chennai-600 119.

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



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AND

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