



W.P.Crl(MD) No.320 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P.Crl(MD)No.320 of 2025

and

W.P.M.P.Crl(MD)No.88 of 2025

Bharathi

... Petitioner

-Vs-

1.The Secretary to Government,
Home Department (Prison)
Government of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai-9.

2.The Deputy Inspector General of Prison,
O/o.The Deputy Inspector General of Prison
and Correctional Services Department,
New Jail Road,
Madurai.

3.The Superintendent of Prison,
Central Prison,
Madurai.

4.The Superintendent of Police,
Then District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the order passed by the 2nd respondent in No.647/உ.த.2/2025 dated 23.06.2025 and quash the same and consequently, directing the 2nd and 3rd respondents to grant 21 days ordinary leave to the petitioner's husband namely Rajesh, S/o.Pandi, convict prisoner (PID No.303159) now confined under Central Prison, Madurai.

For Petitioner : Mr.S.Srikanth
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 23.06.2025 passed in No.647/உ.த.2/2025 by the second respondent rejecting the grant of 21 days of ordinary leave to the petitioner's husband.

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 the petitioner's case falls within two embargoes. One is that the petitioner's husband has not completed the minimum requirement period of three years after conviction and the another one is the petitioner's husband is having two previous cases, which are posted on 01.08.2025 and 02.09.2025 respectively. The learned Additional Public Prosecutor further submitted that as per Rule 35 of Tamil Nadu Suspension of Sentence Rule, rejected the request of the petitioner by the respondents.

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.

6. Taking into consideration of the submission made by the learned Additional Public Prosecutor and considering the purpose that the presence of the convict prisoner is required for renovation of his house, we are inclined to direct the respondents to grant six days emergency leave to the petitioner's husband, with necessary escort.



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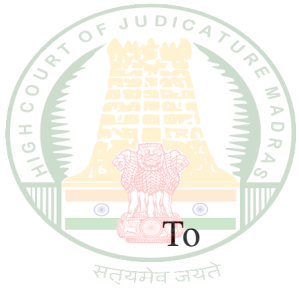
7. Accordingly the respondents are directed to grant emergency leave to the petitioner's husband for six days with necessary escort, taking into consideration the hearing dates on 01.08.2025 and 02.09.2025. The escort charges shall be borne by the petitioner and if necessary, the same shall be adjusted from the income earned by the convict prisoner during the imprisonment period.

8. 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.]
22.07.2025

NCC : Yes / No
Index : Yes / No
NS

Note: Issue order copy on 23.07.2025



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To

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3. The Superintendent of Prison,
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4. The Superintendent of Police,
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5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND

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