



W.P.Crl(MD)No.446 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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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.446 of 2025

and

W.M.P(MD)No.123 of 2025

Kanniga Parameswari

.. 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, to call for the records relating to the proceedings in No.208/Utha.2/2025 dated 21.02.2025 issued by the 2nd



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respondent and quash the same and consequently direct the respondents to grant 15 days Ordinary leave without escort to the petitioner's brother Marikumar, son of Murugesan, Convict No.5429, PID No.406472.

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.)

Challenge is made to the order dated 21.02.2025 in No.208/Utha.2/2025 passed by the second respondent rejecting the grant of ordinary leave to the petitioner's brother/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 the petitioner's brother / convict prisoner has been incarcerated for the past 1 year and 2 months and there has been no adverse report against him and hence, the learned counsel prays for grant of ordinary leave without escort to the convict



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4. The learned Additional Public Prosecutor would submit that the request of the petitioner has been rejected on the ground that he has been convicted under the NDPS Act for having found to be in possession of commercial quantity of Narcotic and Psychotropic Substances and thereby in view of the prohibition under Rule 21(h)(3) of the Suspension of Sentence Rules and that as per Rule 22 (1)(b) of the Tamil Nadu Suspension of Sentence Rules, he is not eligible for ordinary leave since he has not completed two years of incarceration.

5. Though the Rules 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 selling the mortgaged property, we are inclined to direct the respondents to grant six days emergency leave to the convict prisoner/petitioner's brother, with single escort.



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7. Accordingly the respondents are directed to grant emergency leave to the convict prisoner/petitioner's brother for six days with single escort and 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.]
29.07.2025

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

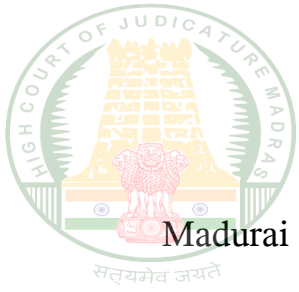
Note: Issue order copy on 31.07.2025

To

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

2. The Deputy Inspector General of Prisons,

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Madurai Range, Madurai-625 001.

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

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



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AND

R.POORNIMA, J.

PJL

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