



W.P.Crl(MD)No.694 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P.Crl(MD)No.694 of 2025

and

W.P.M.P.Crl(MD)No.198 of 2025

Muthu

... Petitioner/

-Vs-

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

2.The Deputy Inspector General of Prisons,
Madurai Range,
Madura-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.5554/Thaku.2/2025 dated 24.04.2025 issued by the third respondent quash the same and consequently directing the respondents to grant 6

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days emergency leave without escort to the petitioner's husband Rma Subramanian, S/o.Ramasamy(PID 108744), who is currently lodged at Central Prison, Palayamkottai.

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 24.04.2025 in No.5554/Thaku. 2/2025, passed by the third respondent rejecting the grant of 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 the petitioner's husband is in incarceration for the past two years and he has maintained good conduct in prison without any adverse remarks from the prison authorities. The learned counsel would further submit that the mother of the convict is suffering from severe health ailments and she is bedridden and now she



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is in a critical condition and thereby he prays for 6 days emergency leave to her husband.

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 husband is having a previous case, which is pending before the Judicial Magistrate No.III, Tirunelveli in C.C.No.170 of 2022. The learned Additional Public Prosecutor further submitted that as per Rule 35 of Tamil Nadu Suspension of Sentence Rule, the respondents have rejected the request of the petitioner's husband.

5. Though Rule 35 of Tamil Nadu Suspension of Sentence Rules prohibits 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 attending serious illness of his mother, we are inclined to direct the respondents to grant three days emergency leave to the petitioner's husband, with single escort.



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7. Accordingly the respondents are directed to grant emergency leave to the petitioner's husband for three days with single escort. 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.]
28.07.2025

NCC : Yes / No

Index : Yes / No

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Note: Issue order copy on 30.07.2025

To

1. The Home Secretary,
Home Department (Prison)
Secretariat, Fort St. George,
Chennai.
2. The Deputy Inspector General of Prisons,
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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