



W.P.Crl(MD)No.809 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED :04.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P.Crl(MD)No.809 of 2025

and

W.P.M.P.Crl(MD)No.222 of 2025

Sivanthikani Perumal

... 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 Superintendant of Prison,
Central Prison,
Palayankottai-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.970/Utha.2/2024 by the second respondent dated 04.01.2025

Page 1 of 5



W.P.Crl(MD)No.809 of 2025

and quash the same and consequently direct the 2nd respondent to grant 21 days ordinary leave without escort to the petitioner's son, Vinith, S/o.Perumal, convict No.5430 (PID No.406473), who is currently lodged in Central Prison, Pallayamkottai.

For Petitioner : Mr.P.M.Basil
For Respondents : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

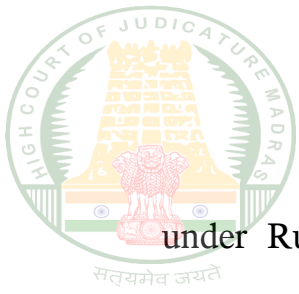
ORDER

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

Challenge is made to the order dated 04.01.2025 passed in No.970/Utha. 2/2024 by the second respondent rejecting the grant of ordinary leave to the petitioner's son.

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

3.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 son has been convicted for offence under Sections 8(c) r/w 20(b) (ii)(c) 29(1) 25 of NDPS Act and sentenced to undergo 10 years of rigorous imprisonment and thereby, there is a bar for grant of leave to the petitioner's son



W.P.Crl(MD)No.809 of 2025

under Rule 21(h)(3) of Tamil Nadu Suspension of Sentence Act. He further submitted that the petitioner's son is having one previous case and the same is pending trial before Mahalir Court, Thoothukudi(FTC) in S.C.No.222 of 2021. Hence, the request of the petitioner has been rejected.

4.The learned counsel appearing for the petitioner would submit that the petitioner is the mother of the convict prisoner and he is in incarceration for more than 3 years and sought for 21 days of ordinary leave to attend serious illness of his mother

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 to take care of his illness mother, we are inclined to direct the respondents to grant 3 days emergency leave to the petitioner's son, with sufficient escort.



W.P.Crl(MD)No.809 of 2025

7. Accordingly the respondents are directed to grant emergency leave to the petitioner's son for 3 days with sufficient escort, after the hearing date in Crime No.8 of 2020. 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 is closed.

[A.D.J.C., J.] & [R.P., J.]
04.08.2025

NCC : Yes / No
Index : Yes / No
NS

Note: Issue order copy on 06.08.2025

To

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,
Palayankottai-627 007.

Page 4 of 5



WEB COPY



W.P.Crl(MD)No.809 of 2025

A.D.JAGADISH CHANDIRA, J.

AND

R.POORNIMA, J.

Ns

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

W.P.Crl(MD)No.809 of 2025

and

W.P.M.P.Crl(MD)No.222 of 2025

04.08.2025