



W.P.Crl.(MD)No.2446 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2025

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

W.P.Crl.(MD)No.2446 of 2025

and

W.M.P(MD)No.566 of 2025

Devi

... Petitioner

-VS-

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

2.The Deputy Inspector General of Prisons,
Madurai Range,
Madurai.

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

4.The Superintendent of Police,
Theni District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the order passed by the second respondent in No.626/உத2/2025 dated 01.12.2025 and quash the same and consequently directing the respondents 2 & 3 to grant 30 days Emergency Leave without escort to the petitioner's husband namely Ramesh S/o.Ramar convict prisoner (PIC No.19008) in view of his critical medical condition requiring immediate surgical intervention.

For Petitioner : Mr.S.Srikanth

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by G.K. ILANTHIRAIYAN,J.)

This writ petition has been filed challenging the order of the second respondent, dated 01.12.2025, thereby, rejected the request made by the petitioner seeking Emergency Leave for her husband.



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2. The petitioner's husband is convicted for the offence under Section 302 r/w 392 IPC for life imprisonment. While being so, the petitioner applied for Emergency Leave for her husband for the reason that he is suffering from severe Varicose Veins of the left leg with Perforator Incompetency and bony erosion in the dorsal foot, for which, he has to take treatment immediately as per the advise of the doctor. Further, he has to undergo surgery. However, the said request was rejected by the second respondent, dated 01.12.2025 on the ground that the petitioner's husband availed Emergency Leave for a period of 15 days and also Ordinary Leave for a period of 21 days. He exhausted all the holidays and he will be granted Emergency Leave and Ordinary leave only in the subsequent year ie., 2026. Section 22 of Tamil Nadu Suspension of Sentence Rules, 1982 says about the eligibility for ordinary leave. As per the said rule, the convict is entitled for 21 days Ordinary Leave during fourth and fifth year of imprisonment: not exceeding twenty eight days from the sixth year of imprisonment to fourteenth year of imprisonment. Now, the petitioner's husband completed 4 years and 4 months as on 08.12.2025. Therefore, he is



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entitled for Ordinary Leave for 21 days and Emergency Leave for 15 days. Now, the petitioner's husband already availed both the leave and hence, the second respondent has rightly rejected the request made by the petitioner.

3. In view of the above, this Court finds no illegality or irregularity in the order passed by the second respondent and there is no interference is required in the order passed by the second respondent. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is dismissed. However, the petitioner is at liberty to submit a fresh representation in the next year to avail ordinary leave or emergency leave in the manner known to law. It is also made clear that if any medical emergency, the jail authorities are directed to give appropriate treatment to the petitioner's husband.

[G.K.I., J.] [R.P., J.]

08.12.2025

am

NCC :Yes/No

Index: Yes/No

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



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G.K. ILANTHIRAIYAN,J.
AND
R. POORNIMA,J.

am

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