



W.P.CrL.(MD) No.2634 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2025

CORAM:

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN
AND
THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY**

W.P.CrL.(MD) No.2634 of 2025

Ferozkhan

... Petitioner

-VS-

- 1.The Deputy Inspector General of Prisons
and Correctional Services,
Trichy Range, Race Course Road,
Trichy-620 023.
- 2.The Superintendent of Prison,
Central Prison,
Trichy-620 020.
- 3.The Superintendent of Police,
O/o.The Superintendent of Police,
Pudukkottai District.
- 4.The Inspector of Police,
Kottaipattinam Police Station,
Pudukkottai District.

... Respondents



W.P.CrL.(MD) No.2634 of 2025

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 impugned order passed by the first respondent vide proceedings in No.RO.TRY/496/2025-CA dated 14.09.2025 and quash the same as illegal and consequently direct the first respondent to grant 28 days ordinary leave without police escort to the petitioner namely Ferozkhan, S/o.Mohamed Abdullah, Life Convict Prisoner, PID No.39813.

For Petitioner : Mr.K.A.S.Prabhu

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 passed by the first respondent, dated 14.09.2025, thereby, rejected the request made by the petitioner seeking 28 days Ordinary Leave without police escort.



W.P.CrL.(MD) No.2634 of 2025

WEB COPY

2. The petitioner is convicted for the offence punishable under Sections 120(b), 369, 394 r/w 302 IPC and 201 r/w 114 IPC and sentenced him to undergo Life Imprisonment in S.C.No.82 of 2013 dated 28.11.2013, on the file of the Mahila Sessions Judge, Pudukkottai. Aggrieved by the same, the petitioner did not file any appeal and the order passed by the trial Court become finality. The petitioner is languishing in imprisonment for a period of 11 years and 11 months. While being so, he applied for 28 days Ordinary leave on the ground that his aged mother is suffering from age old ailments, however, it was rejected on the ground that under Section 21(b) of the Tamil Nadu Suspension of Sentence Rule does not permit the convict, who convicted for the offence under Section 392 to 402 of IPC.

3. The learned counsel for the petitioner also relied upon the judgment of this Court in ***W.P(MD)No.21242 of 2023 dated 19.07.2023*** and this Court held as follows:-

“v) In continuation of the earlier reason, we make it clear that we are exercising constitutional power and therefore said Rules being a set of Rules made by the Execution in exercise of



W.P.CrL.(MD) No.2634 of 2025

WEB COPY

Rule/special orders making powers under Section 432(5) of 'The Code of Criminal Procedure, 1973 (2 of 1974)' (hereinafter 'Cr.P.C' for the sake of brevity and clarity) will not be complete fetters qua this Constitutional Court, it is always open to this Court to relax such Rules in suitable cases and this is one such case."

4. On instruction, the learned Additional Public Prosecutor appearing for the respondents would submit that the authorities are acted upon Rule 21(b) of the Tamilnadu Suspension of Sentence Rules and rejected the request made by the petitioner. That apart, the petitioner's mother is verymuch taking care of another son. He also produced the letter communicated by the petitioner's wife and in that letter, the petitioner's wife has stated that she is noway connected with the petitioner and she does not want to the presence of the petitioner herein. However, the petitioner is entitled for Emergency leave only.

5. The learned counsel for the petitioner would submit that the petitioner may be considered for emergency leave of 10 days.



W.P.CrL.(MD) No.2634 of 2025

WEB COPY

6. Taking into consideration the request of the petitioner, this Court is inclined to direct the respondents to grant six (6) days emergency leave to the petitioner without escort.

7. In the result,

- (i) The writ petition is allowed.
- (ii) The impugned order dated 14.09.2025 passed by the first respondent, is set aside.
- (iii) The convict prisoner namely, Ferozkhan, S/o.Mohamed Abdullah, Life Convict Prisoner, PID No. 39813, is granted emergency leave for 6 days.
- (iv) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities.
- (v) During the leave period, the convict prisoner/petitioner shall report before the fourth respondent police daily morning at 10.30 a.m., and



WEB COPY



W.P.CrL.(MD) No.2634 of 2025

evening at 05.30 p.m.,

(vi) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the jail manual.

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

19.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
am



W.P.CrL.(MD) No.2634 of 2025

WEB COPY

To:

1. The Deputy Inspector General of Prison
and Correctional Services
Trichy Range, Race Course Road,
Trichy-620 023
2. The Superintendent,
Central Prison
Trichy-620 020
3. The Superintendent of Police
Thanjavur District
4. The Inspector of Police
Thiruvidaimarudur Police Station
Thanjavur District.
5. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



WEB COPY



W.P.Crl.(MD) No.2634 of 2025

G.K.ILANTHIRAIYAN, J.
and
KRISHNAN RAMASAMY, J.

am

W.P.Crl.(MD) No.2634 of 2025

19.12.2025