



WEB COPY

WP Crl. No. 63 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

CORAM

THE HON'BLE MR JUSTICE P.VELMURUGAN

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.Crl. No. 63 of 2026

and

W.P.MP.CRL.No. 16 of 2026

R.Saraswathi
W/o.Radha Krishnan

..Petitioner(s)

Vs

1. The State rep.by its,
The Home Secretary (Prison)
Fort St.George, Secretariat, Chennai-019.
2. The Director General of Prison
Office of the Director General of Prison,
Egmore-600 008.
3. The Superintendent of Prison
Central Prison at Salem,
Hasthampatti, Salem-636 007.

..Respondent(s)

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying to issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 19.12.2025 in file No.CP-SLM/1014/2025-R4(JA) CP-SLM/1014/2025-R4(JA) passed by the 3rd respondent and quash the same as illegal and consequently direct the 3rd respondent to grant 30 days leave



without escort to the husband of the petitioner/convict namely D.Radha Krishnan S/o.Duraisamy, Life Convict Prisoner, (PID No.34149) (CT No.0631) aged about 54 years now confined in Salem Central Prison.

For Petitioner(s): Mr.A.Rajakumar

For Respondent(s): Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

(Order of the Court was made by P.VELMURUGAN J.)

This Writ Petition has been filed challenging the impugned order dated 19.12.2025 in file No.CP-SLM/1014/2025-R4(JA)CP-SLM/1014/2025-R4(JA) passed by the 3rd respondent and quash the same as illegal and consequently to direct the 3rd respondent to grant 30 days' leave without escort to the husband of the petitioner/convict namely D.Radha Krishnan S/o.Duraisamy, Life Convict Prisoner, (PID No.34149) (CT No.0631), aged about 54 years, now confined in the Central Prison, Salem.

2. The learned counsel for the petitioner submitted that the petitioner's husband namely D.Radha Krishnan, S/o.Duraisamy, who was convicted for the offences under Sections 302 and 341 IPC and sentenced to undergo life imprisonment by the learned I Additional Sessions Judge, Salem in S.C.No.206 of 2010, has already undergone more than 10 years of imprisonment with no



adverse remarks whatsoever. It is further submitted that the life convict prisoner had earlier availed emergency leave without escort and duly reported back to the prison authorities within time, without any violation or adverse report. While so, the petitioner, being the wife of the convict prisoner submitted a representation dated 27.11.2025, seeking ordinary leave for the purpose of solemnising their daughter's marriage. However, the third respondent by the impugned order rejected the said representation solely on the ground that another criminal case is pending against the life convict prisoner. Hence, the present writ petition.

3. Per contra, the learned Additional Public Prosecutor appearing for the respondents submitted that a criminal case is pending against the life convict prisoner in S.C.No.58 of 2013 on the file of the II Additional District Court, Salem and that the trial in the said case has already commenced. He further submitted that as per Rule 35 of the Tamil Nadu Suspension of Sentence Rules, 1982, no prisoner against whom a criminal case is pending trial is entitled to be granted leave. Therefore, the third respondent has rightly rejected the representation of the petitioner seeking ordinary leave for the convict prisoner. He further submitted that the marriage of the petitioner's daughter is scheduled to be solemnised on 28.01.2026.



4. A perusal of the records, it is seen that the petitioner's husband/life convict prisoner/A1 is facing trial in another criminal case in S.C.No.58 of 2013 on the file of the II Additional District Court, Salem, for the offence punishable under Section 302 IPC. Inasmuch as the life convict prisoner is facing trial in a pending case, he is not entitled for any leave as per Rule 35 of the Tamil Nadu Suspension of Sentence Rules, 1982. If ordinary leave without escort is granted pending trial, there is a likelihood of tampering the witnesses, which may result in protraction of the trial. Therefore, this Court does not find any perversity or infirmity in the order passed by the third respondent dated 19.12.2025.

5. However, considering the fact that the petitioner has sought leave for the purpose of attending the marriage of their daughter, which is scheduled to be solemnised on 28.01.2026, and the said fact is not disputed by the respondents-Police, we are inclined to grant emergency leave for a limited period of three days to the petitioner's husband.

6. Accordingly, the life convict prisoner viz., D.Radha Krishnan, S/o.Duraisamy, Life Convict Prisoner, (PID No.34149) (CT No.0631), aged about 54 years, now confined in the Central Prison, Salem, is hereby granted emergency leave for a limited period of three days with escort commencing from 27.01.2026, on the following conditions :



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(i) The third respondent is directed to release the convict prisoner viz., D.Radha Krishnan S/o.Duraisamy, Life Convict Prisoner, (PID No.34149) (CT No.0631), aged about 54 years, now confined in the Central Prison, Salem, on emergency leave for three days with escort commencing from 27.01.2026 at 10.00 a.m.;

(ii) The Convict prisoner shall be released on 27.01.2026 at 10.00 a.m., and surrendered before the Superintendent, Central Prison, Salem on 29.01.2026 at 5.00 p.m.;

(iii) The convict prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities.

7. With the above directions and observations, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(P.V.,J.) (M.J.R.,J.)
21-01-2026

Note : Issue Order Copy on 22.01.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Home Secretary (Prison)
Fort St.George, Secretariat,
Chennai-019.
2. The Director General of Prison
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Egmore-600 008.
3. The Superintendent of Prison
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**P.VELMURUGAN J.
AND
M.JOTHIRAMAN J.**

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