



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-02-2026

CORAM

THE HON'BLE MR JUSTICE P. VELMURUGAN

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.Crl.No. 358 of 2026

and

W.P.M.P.CRL.No. 108 of 2026

Sagayamary
W/o.Selvam

..Petitioner(s)

Vs

1. The State Represented by its
The Secretary to Government of Tamil Nadu
Home (Prison-IV) Department,
The Secretariat of Tamil Nadu,
Chennai - 600 009.
2. The Deputy Inspector General of Prison
Coimbatore Range, Central Prison,
Coimbatore- 641 018.
3. The Superintendent of Prison
Central Prison Coimbatore,
Coimbatore- 641 018.

..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 pertaining to the impugned order bearing No.44/Tha.Vu.2/2026 dated



20.01.2026 passed by the 2nd respondent and quash the same and consecutively direct the 3rd respondent to grant emergency leave for 15 days without escort to the detenu, Selvam, S/o.Gurusamy, aged about 54 years, PID No.24347, detained at Central Prison, Coimbatore.

For Petitioner(s): Mr. S.Manoharan

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 order passed by the second respondent *vide* No.44/Tha.Vu.2/2026, dated 20.01.2026, and consequently, seeking a direction to the third respondent to grant emergency leave for 15 days, without escort, to the detenu, Selvam, S/o.Gurusamy, aged about 54 years, PID No.24347, presently detained in the Central Prison, Coimbatore.

2. It is the case of the petitioner that her husband, Selvam, S/o.Gurusamy, aged about 54 years, is a life convict prisoner (PID No.24347) presently detained in the Central Prison, Coimbatore. The petitioner would submit that she had undergone a surgical operation relating to the uterus in the preceding



years, and she is not in a position to manage the family independently. Further, her younger son, who was employed in a private industry, met with an accident on 09.10.2025 and underwent surgery, for which the petitioner incurred medical expenses exceeding Rs.3,00,000/-. It is stated that he has to undergo another surgery within two months. Owing to the said medical expenses, the petitioner has fallen into debt and is also required to meet the educational expenses of her younger daughter, who is pursuing her studies. It is further stated that the family has decided to sell 36 cents of land standing in the name of the convict prisoner and that his presence is essential to complete the necessary formalities and to resolve the aforesaid circumstances. Hence, the petitioner submitted a representation dated 31.12.2025 to the respondents seeking grant of 40 days' ordinary leave and 15 days' emergency leave, without escort, to the convict prisoner. However, the second respondent rejected the request on the ground that the convict prisoner is not eligible to avail ordinary leave under Rule 22(3) of Tamil Nadu Suspension of Sentence Rules [hereinafter referred to as 'the said Rules']. Aggrieved by the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the convict has been undergoing a sentence for nearly seventeen years and, having maintained a good conduct in the prison, is eligible to be considered for emergency leave under Rules 6 and 7 of the Tamil Nadu Suspension of Sentence Rules, 1982. He further contended that although the second respondent rejected the request for



ordinary leave on the ground that the convict prisoner is not eligible under Rule 22(3) of the said Rules, the authority failed to consider and grant emergency leave upon the petitioner's request as contemplated under Rule 40 of the said Rules.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondents-Police submitted that the request of the petitioner seeking grant of 40 days' ordinary leave was rejected by the second respondent on the ground that the convict prisoner has not completed one year of sentence from date of his re-admission into prison after availing the earlier spell of ordinary leave. It was further submitted that, as per the Tamil Nadu Prison Manual (Volume III) and Rule 22 of the Tamil Nadu Suspension of Sentence Rules, 1982, a convict prisoner who has availed ordinary leave becomes eligible to apply for the next spell of ordinary leave only after completion of one full year of sentence from the date of re-admission into prison after return from such leave. In the present case, the said convict prisoner was earlier granted 40 days' ordinary leave by the prison authorities on 17.04.2025 and was re-admitted into prison on 28.05.2025. Since he has not completed one full year from the date of such re-admission, he is not eligible for ordinary leave as per the said Rules. The learned Additional Public Prosecutor further submitted that the petitioner has not produced adequate medical records to substantiate the alleged medical exigencies, and therefore, her request for grant of emergency leave to the



convict prisoner was not considered.

5. Considering the facts and circumstances and the submissions made, this Court finds that the convict prisoner having not completed one year of sentence after availing the earlier spell of ordinary leave, is ineligible for ordinary leave under Rule 22(3) of the said Rules. Insofar as emergency leave is concerned, the petitioner has not produced adequate medical records before the prison authorities, and therefore, her request was rightly not considered. This Court thus finds no perversity or infirmity in the impugned order passed by the second respondent. Accordingly, the writ petition stands dismissed. Consequently, connected miscellaneous petition is closed.

6. However, liberty is granted to the petitioner to submit a fresh representation by producing adequate and relevant medical records to substantiate the claim for emergency leave to the convict prisoner, and upon such representation being made, the competent authority shall consider the same in accordance with law and the provisions of the Tamil Nadu Suspension of Sentence Rules, 1982.

(P.V.,J.) (M.J.R.,J.)
19-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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WEB COPY

To

1. The Secretary to Government of Tamil Nadu
Home (Prison-IV) Department,
The Secretariat of Tamilnadu,
Chennai - 600 009.
2. The Deputy Inspector General of Prison
Coimbatore Range, Central Prison,
Coimbatore- 641 018.
3. The Superintendent of Prison
Central Prison Coimbatore,
Coimbatore- 641 018.
4. The Public Prosecutor,
High Court, Madras.



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**P.VELMURUGAN J.
AND
M.JOTHIRAMAN J.**

ms

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and
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