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WP CrI. No. 759 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

WP CrI. No. 759 of 2026

AND

WPMP CRL. NO. 245 OF 2026

S.Anjali
W/o.Senthil Kumar
Plot 16, 5th Street
Balakrishna Nagar
Nerkunram Nerkundram
Tiruvallur - 600 107

..Petitioner(s)

Vs

1. The Inspector General of Prisons
Chennai Range
Prison Head Quarters, Whannels Road,
Egmore Chennai - 600 008
2. The Superintendent of Prison
Central Prison - 1
Puzhal, Chennai 600 066

..Respondent(s)

PETITION under Article 226 of the Constitution of India praying for the issuance of a WRIT OF CERTIORARIFIED MANDAMUS to call for the records No.CP.PU1/2182/2025-R2 dated 18.07.2025 passed by respondent no.2 and quash the same and consequently direct the respondents to grant 28 days leave to the petitioners husband Senthil kumar S/o.Annamalai Aged 47 Years,



Convict Prisoner No.1709, (PID 34240 now confined in the Central Prison -1
Puzhal, Chennai - 66

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For Petitioner(s): Mr.P.Pugalenth

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

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

The challenge is to order dated 18.07.2025 rejecting the request of the petitioner for grant of 40 days ordinary leave to her husband Senthil Kumar S/o Annamalai, (convict prisoner), confined in Central Prison -I, Puzhal, Chennai.

2. The reason assigned for rejection of leave is per Rule 21(i) of the Tamil Nadu Suspension of Sentence Rules, 1982 (in short 'Rules'), which prescribes various circumstances for non-eligibility of ordinary leave. Rule 21(i) says that those prisoners who '*may not report back to the prison after the completion of the leave period*' shall not be eligible for ordinary leave.

3. The apprehension stems from the fact that the convict who had been granted emergency leave between 11.02.2014 and 18.02.2014 had absconded and been secured only on 26.11.2021 after a gap of 7 years. It is based on such abscondance, that the authorities have invoked Rule 21(i), holding him ineligible for grant of ordinary leave.



4. Learned Additional Public Prosecutor also confirms that after the detenu was secured on 26.11.2021, there has been no instance when the convict has availed leave at all, not even emergency leave.

5. In such circumstances, simply on human considerations, we are of the considered view that the petitioner's application for leave to her husband must be considered positively. Certainly, it cannot be the intention of Rule 21 that the conditions thereunder should operate absolutely, so as to deny the prisoners leave under any circumstances at all. In our considered view, that would be a very perverse interpretation of the Rules. This is, however, not to say, that the authorities do not have discretion to reject the leave. However, such discretion must be exercised in a manner which is consistent with basic human rights.

6. In the present case, having regard to the fact that the convict has suffered a conviction on 04.04.2008, and had been incarcerated since then, and has not been released on leave from 26.11.2021, we are of the view that his abscondance for the period of 7 years cannot operate as a total ban on grant of leave during the period of conviction.

7. The authorities must take sufficient measures to balance the interests of the convict prisoner and the interest of the State and in this case, have failed to do so. In summation, we grant 10 days ordinary leave to the petitioner's husband, however with escort.



8. Impugned order dated 18.07.2025 is set aside and this Writ Petition is allowed. The respondents are directed to release Convict Prisoner viz., Senthil Kumar S/o Annamalai, aged 47 years, confined at Central Prison - 1, Puzhal, Chennai with escort on Ordinary Leave for a period of 10 days i.e., from 08.04.2026 to 17.04.2026, though on the following conditions.

(i) The Convict Prisoner shall be released on 08.04.2026 at 10.00 am and he shall surrender before the Superintendent of Prisons, Central Prison-1, Puzhal, Chennai on 18.04.2026 before 10.00 a.m.

(ii) The escort charges shall be borne by the State.

(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.

Connected Miscellaneous Petition is closed.

(A.S.M.,J.) (S.M.,J.)
07-04-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes

SL

Note: Registry is directed to issue a copy of this order today.



To

1. The Inspector General of Prisons
Chennai Range
Prison Head Quarters, Whannels Road,
Egmore Chennai - 600 008
2. The Superintendent of Prison
Central Prison - 1
Puzhal, Chennai 600 066
3. The Public Prosecutor, High Court, Madras



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DR.ANITA SUMANTH J.

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SUNDER MOHAN J.

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