



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

WP CrI. No. 1134 of 2026

AND

WPMP CRL. NO. 378 OF 2026

R.Revathi
W/o Ravi,
No.55, Mahathma Gandhi Street,
Alapakkam,
Porur,
Thiruvallur.

..Petitioner(s)

Vs

1. The Home Secretary
Home Secretary Department (Prison),
Secretariat, Fort St. George,
Chennai.
2. The Deputy Inspector General of Prison
Chennai Range, Chennai.
3. The Superintendent of Prison
Central Prison I, Puzhal,
Chennai.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus or order or direction in the nature of Writ, calling for the records relating to the proceedings in No.RO-CHN/994/2025-CA-1 dated 17.12.2025 by the 2nd respondent and quash the same and consequently direct the 2nd respondent to grant 21 days ordinary leave without escort to the petitioners husband Suresh S/o Ravi Prisoner No.10505 PID No.314781 is presently confined in Central Prison I, Puzhal, Chennai.



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For Petitioner(s):

Mr.M.Mohamed Saifulla

For Respondent(s):

Mr.C.R.Malarvannan,
Counsel For Government Of Tamil Nadu
(Criminal Side)ORDER*(Made by Dr.Anita Sumanth, J.)*

The wife of Ravi (Convict) confined in Central Prison, Puzhal, had approached the authorities seeking 21 days ordinary leave without escort.

2. The plea came to be rejected by an order dated 17.12.2025 for the reason that the condition under the Tamil Nadu Suspension of Sentence Rules, 1982 ('Rules') requiring the convict to have been incarcerated for a minimum period of three years, has not been satisfied in this case. To be noted, the date of conviction is 22.01.2024 and the period of three years would be complete only on 21.01.2027.

3. Mr.Mohamed Saifulla, learned counsel appearing for the petitioner draws our attention to Rule 22 of the Rules and the explanation thereunder, which requires that the period of actual imprisonment shall be counted from date of admission to prison as a convict. Notwithstanding this, since the convict in this case has been in prison since 06.04.2023, he would urge that the period when the convict was in remand should also be reckoned for the computation of the three year period under the Rules.

4. For this purpose, he relies on a decision of this Court in W.P.No.18574



of 2024 dated 25.7.2024 [*Vijayakumar v The Deputy Inspector General of Prison, Chennai Range, Prison Head Quarters, Whannels Road, Egmore,*

Chennai – 600 008 and another]. In that case, the Bench, had made a distinction between the case of convict who had served time as a remand prisoner, continuing the incarceration as a convict, without any break between the period of remand and period of conviction. In such circumstances, the Bench has opined that the period of remand may also be taken as part of the three year period for computation of eligibility for grant of leave.

5. However, ultimately, since the Probation Officer had not recommended grant of leave to that convict, discretion was not exercised under Article 226 of the Constitution of India and that writ petition came to be dismissed. Petitioner relies on findings in *Vijayakumar's* case, which would, should we be persuaded to follow its ratio, enure to the convict's benefit in this case as well.

6. Mr.Malarvannan, learned counsel for Government of Tamil Nadu (Criminal Side), would, also relying on Rule 22, point out that the Explanation to the Rule has not been challenged, and hence the same has to be construed literally and on its plain language.

7. We have heard both learned counsel and have perused the material papers as well as the case law cited.

8. The facts are admitted in that, the convict is in remand since 06.04.2023 and the date of conviction is 22.01.2024. He has admittedly not served the minimum sentence of three years to be eligible for consideration of



leave under the Rules.

9. Rule 22 we find, has been substituted with effect from 25.04.2022 by

G.O.No.205 (Pri V). The Rule, pre and post substitution, reads thus:-

Rule 22 Pre Substitution

*“22. Eligibility for ordinary leave. (1) No prisoner shall be granted ordinary leave unless he has been sentenced by a court in this State to imprisonment for a term or imprisonment for life for an offence against any law other than a law relating to a matter to which the executive power of the Union Government extends and he has completed *[three years of imprisonment from the date of initial imprisonment].*

(2) The period of ordinary leave shall not exceed one month at a time unless it is extended by Government.

(3) The prisoner shall be granted the second spell of leave not exceeding one month after the completion of two years of imprisonment from the date on which he returns from the last ordinary leave.

(4) In cases of prisoners who have got a balance of three years to serve ordinary leave not exceeding one month for each of three years, the year being calculated from the date of his return to prison from last leave, shall be granted so as to enable them to make arrangements for setting the family life after release.

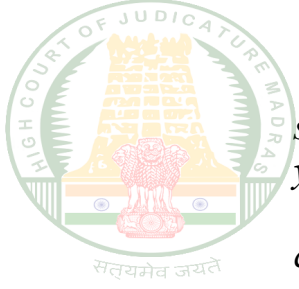
New Rule 22 Post Substitution

“22. Eligibility for ordinary leave. (1) No prisoner shall be granted ordinary leave unless he has been sentenced by a court in this State to imprisonment for a term or imprisonment for life for an offence against any law other than a law relating to a matter to which the executive power of the Union Government extends and he has completed.

(a) one year of imprisonment in cases of prisoners sentenced to imprisonment for a period not exceeding five years;

(b) two years of imprisonment in cases of prisoners sentenced to imprisonment for a period exceeding five years but not more than fourteen years;

(c) three years of imprisonment in cases of prisoners



sented to imprisonment for a period exceeding fourteen years and for life.

Explanation.- The period of actual imprisonment shall be counted from the date of admission to prison as convict.”

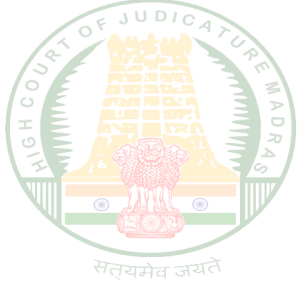
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10. Clearly, there has been a paradigm shift in the basis for determination of eligibility. While, prior to 25.04.2022, the eligibility was computed on the basis of three years imprisonment *‘from date of initial imprisonment’*, no distinction having been made between imprisonment qua remand or conviction, post 25.04.2022, the imprisonment shall relate to conviction only.

11. There has been no challenge to the Explanation and we do not see any justification in reading beyond the plain language in which the Rule is couched. The distinction noted in *Vijayakumar’s* case, as to whether the imprisonment is continuous or otherwise, is not borne out by the plain language of the Rule.

12. The Full Bench of this Court in *T.Ramalakshmi v The State Represented by its Principal Secretary to Government of Tamil Nadu and Ors* [2025 (2) MLJ (Criminal) 551] was constituted to consider the conflict of views in relation to interpretation of Rule 35 of the 1982 Rules. Though we are not concerned with the question referred to the Full Bench, the Bench has, in the course of the discussion, also considered the issue as to whether the period of incarceration during remand or trial may be included in the determination of sentence for grant of leave, and the Bench opines in the negative. Paragraph 16 is relevant and extracted below:-

“16.Consideration of leave application under Tamil Nadu Suspension of Sentence Rules by reckoning the period of



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incarceration during remand or during trial does not arise at all. The scope of Tamil Nadu Suspension of Sentence Rules need not be expanded by the High Court so as to reckon the period of incarceration during remand or during trial. The provisions cannot be read down by the High Court unless the vires of the provision is under challenge before the High Court. The issue is answered accordingly.”

13. The 1982 Rules are a self-contained set of rules which provides for the exercise of discretion by the Government in Rule 40, to exempt any person from the application of all or any of the Rules. Hence it is open for the petitioner to seek the largesse of the State to exempt him from the application of the Explanation to Rule 22 and take note of the period served by him as remand prisoner in considering his eligibility for leave. Suffice it to say that we are not inclined to embark on such an exercise. In light of the aforesaid discussion, we see no infirmity in the rejection of the plea for leave and confirm order dated 17.12.2025.

14. This writ petition stands dismissed in the above terms. No costs. Connected miscellaneous petition is closed.

(A.S.M.,J.) (S.M.,J.)
18-06-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes

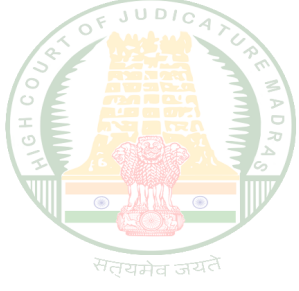
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To



1. The Home Secretary
Home Secretary Department (Prison),
Secretariat,
Fort St. George, Chennai.
2. The Deputy Inspector General of Prison
Chennai Range,
Chennai.
3. The Superintendent of Prison
Central Prison I,
Puzhal, Chennai.
4. The Public Prosecutor, High Court, Madras.

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DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.

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