



W.P.(Crl).No.1388 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.02.2026

Coram:

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.P.(Crl).No.1388 of 2025
and
W.P.M.P.(Crl).No.671 of 2025**

Soundari

.. Petitioner

Vs.

1. The State represented by its.
The Deputy Inspector General of Prison,
Gandhi Irwin Road, Egmore,
Chennai – 60 008.

2. The Superintendent,
Puzhal Central Prison – I,
Puzhal – 600 066.

.. Respondents

Writ Petition (Criminal) filed under Article 226 of the Constitution of India, seeking to issue Writ of Certiorarified Mandamus, to call for the records connected with the impugned order dated 03.06.2025 passed by the second respondent and quash the same and directing the respondents to grant ordinary leave for 30 days without escort to the detainee, Elumalai S/o.Munusamy aged about 46 years bearing convict No.8269 (PID No.308724) confined at Central Prison-I, Puzhal.

For Petitioner : Mrs.S.Sadhana

For Respondents : Mr.R.Muniyapparaj, Addl. Public Prosecutor
assisted by Mr.M.Sylvester John



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ORDER

(The Order of the Court was made by P.Velmurugan, J)

This petition has been filed by the petitioner, seeking directions to the respondents, to grant ordinary leave for 30 days to her husband, who is the life convict prisoner namely Elumalai S/o.Munusamy aged about 46 years bearing convict No.8269 (PID No.308724) confined at Central Prison-I, Puzhal.

2 According to learned counsel for the petitioner, the petitioner is the wife of the detenue, who is the life convict prisoner and the petitioner, being a lady is struggling to meet her daily needs and the presence of the detenue is necessary.

3 Learned Additional Public Prosecutor would submit that the life convict prisoner made representation on 02.04.2025 seeking leave. The life convict prisoner previously availed leave from 24.12.2024 to 12.01.2025. As per the Tamil Nadu Suspension of Sentence Rules, 1982, Volume 3, Rule No.22(3), one year should be completed between two ordinary leaves. Further in this case, appeal filed by the detenue is also pending.

4 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents and perused the materials on record.



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It is seen that the detinue previously availed leave from from 24.12.2024 to 12.01.2025 and he made present representation on 02.04.2025 seeking ordinary leave for 30 days. As per the provisions of the Tamil Nadu Suspension of Sentence Rules, 1982, one year period should be completed within two ordinary leave and hence on the date of making representation seeking leave, the detinue was not eligible to grant leave. Furthermore, the conviction recorded against the detinue has not attained finality and the appeal against his conviction is pending. Therefore the detinue and the petitioner have efficacious remedy before the Court, where the appeal against conviction is pending.

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In view of the above reasons, we are not inclined to invoke Article 226 of the Constitution of India and the Writ Petition stands dismissed. Consequently connected miscellaneous petitions stands closed.

(P.V., J) (M.J.R., J)
04.02.2026

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To

1. The Deputy Inspector General of Prison, Gandhi Irwin Road, Egmore, Chennai – 60 008.
2. The Superintendent, Puzhal Central Prison – I, Puzhal – 600 066.
3. The Public Prosecutor, High Court, Madras.



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and
M.JOTHIRAMAN, J.**

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