

(2025) 10 MAD CK 1317

In the Madras High Court, Madurai Bench

Case No : Writ Petition Criminal (MD) No. 1901 Of 2025

P.Sathishkumar

APPELLANT

Vs

Deputy Inspector General Of Prison

RESPONDENT

Date of Decision : 29-10-2025

Acts Referred:

Tamil Nadu Suspension Of Sentence Rules, 1982 — Rule 35

Citation : (2025) 10 MAD CK 1317

Hon'ble Judges : P.Velmurugan, J;L.Victoria Gowri, J

Bench : Division Bench

Advocate : A.Naresh Prabu, B.Nambiselvan

Final Decision : Disposed Of

Judgement

P.Velmurugan, J

1. Challenging the order passed by the 2nd respondent dated 17.10.2025, rejecting the request of the petitioner to grant emergency leave to his brother / convict prisoner namely, Ajithkumar @ Tamilselvan S/o Pandi (PID No.26534), this writ petition is filed to quash the same, with a consequential direction to the respondents to grant 3 days of emergency leave to the petitioner's brother without escort.

2. The learned counsel for the petitioner would submit that the petitioner sought for emergency leave to his brother/convict prisoner to attend the petitioner's marriage which is scheduled on 31.10.2025. However, without considering the same, the 2nd respondent rejected the request of the petitioner. Thus, the learned counsel would pray for setting aside the impugned order and to grant emergency leave for 3 days without escort.

3. The learned Additional Public Prosecutor who takes notice for the respondents, submitted that eight cases registered against the petitioner are pending trial and therefore, he is not eligible for leave as per Rule 35 of the Tamil Nadu Suspension of Sentence Rules. The 2nd respondent has rightly rejected the

request of the petitioner vide impugned order, which does not warrant interference by this Court.

4. Though the learned Additional Public Prosecutor submitted that since there are eight cases pending against the convict prisoner, he is not entitled to emergency leave as per Rule 35 of the Tamil Nadu Suspension of Sentence Rules, it will not denude the powers of this Court to grant special leave. The records shows that when the convict prisoner was on bail in the present case, he involved in those eight criminal cases and despite the same, the investigating officer had not taken any steps to cancel the bail of the convict. Taking note of the said fact and considering the request of the petitioner that his brother's presence is required during the marriage of the petitioner, we are inclined to grant special leave to the convict prisoner for three days with reasonable escort, on the following conditions:

(i) The convict prisoner namely, Ajithkumar @ Tamilselvan S/o Pandi (PID No.26534), now detained in the Central Prison, Madurai, is granted special leave for three days from 30.10.2025 to 01.11.2025 with reasonable escort.

(ii) The convict prisoner shall be released from the Prison at 10.00 a.m on 30.10.2025 and he shall return back to the Prison at 05.00 p.m on 01.11.2025.

(iii) The expenses of one escort shall be borne by the petitioner.

(iv) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual.

5. With the above direction, the Writ Petition is disposed of. No costs.