

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

WP CrI. No. 524 of 2026

AND

WPMP CRL. NO. 154 OF 2026

A.Benazir Banu
W/o.Alavutheen,
No.11, Mariyamman Kovil Street,
Pudupettai,
Virudhachalam,
Cuddalore District-606 001.

..Petitioner(s)

Vs

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

..Respondent(s)

Prayer: Writ petition filed under Article 226 of Constitution of India for issuance of a WRIT OF CERTIORARIFIED MANDAMUS to call for the records No.RO-CHN/52/2026-CA.1 dated 26.02.2026 passed by respondent no.1, and quash the same and consequently direct the respondent to grand 28 days ordinary leave to the petitioner's husband Alavutheen S/o.Samsudeen,



aged 36 years, Convict Prisoner No.5630, (PID 4578) now confined in the Central Prison-1, Puzhal, Chennai-66.

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For Petitioner(s): Mr.P.Pugalenth

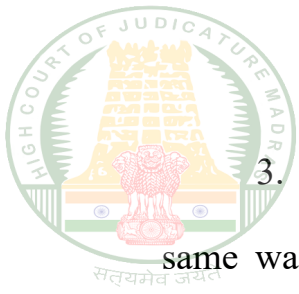
For Respondent(s): Mr. R.Muniyapparaj,
Additional Public Prosecutor
Assisted By
Mr. M. Sylvester John (for R1 & R2)

ORDER

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

Mr. R.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.M.Sylvester John, learned counsel, accepts notice for R1 and R2 and has received instructions in full. Hence, by consent of both learned counsel, this Writ Petition is disposed finally even at the stage of admission.

2. The petitioner is the wife of one Alavutheen, who was sentenced to life imprisonment on 17.07.2014. In line with Rule 22 of the Tamil Nadu Suspension of Sentence Rules, 1982 (in short 'Rules'), the petitioner's husband (convict) had sought leave which was granted on 28.04.2018, till 05.08.2018, for a period of six days (ordinary leave). He had availed the leave and thereafter absconded and not returned to the prison. He had been located and arrested by the police only on 13.10.2021 and has been detained in Central Prison, Chennai for continuance of the original sentence.

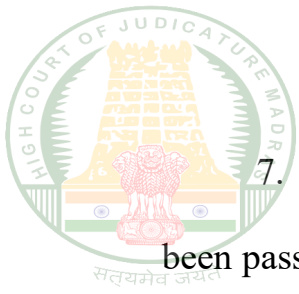


3. The convict thereafter sought ordinary leave of 3 days, and as the same was not considered, the petitioner had moved W.P.No.30132 of 2023, wherein, by order dated 16.10.2023, this Court had granted 3 days ordinary leave with police escort from 25.10.2023 to 27.10.2023. The leave has been availed and learned Additional Public Prosecutor states that there are unpaid dues of escort charges to be met by the convict.

4. In 2024, the convict's request for leave of 21 days was again rejected by the authorities vide order dated 19.11.2024, as a result that the petitioner had moved W.P.No.36165 of 2024 seeking quash of order dated 19.11.2024 and directing the respondent to grant 21 days ordinary leave to her husband.

5. That Writ Petition was allowed on 09.12.2024, by this Court noting the health problems of the petitioner's second son, and the fact that the presence of her husband was required in connection therewith. While granting leave, this Court imposed certain conditions, which we are given to understand, the convict had complied with.

6. In 2025, the convict's request for 6 days emergency leave was rejected leading to the institution of W.P.(CrI.) No.1280 of 2025. By order dated 24.11.2025, the Court granted 6 days emergency leave without police escort from 01.12.2025 to 06.12.2025. This is the fourth instance where the request of the convict was rejected leading to the institution of the present Writ Petition by the convict's wife.

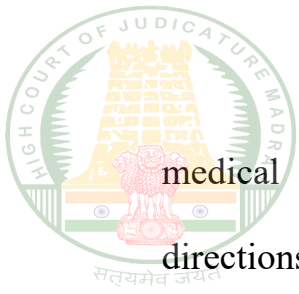


7. On a perusal of impugned order dated 26.02.2026, we find that it has been passed referring, in vague terms, to the fact that the convict had absconded earlier. The rejection is in the teeth of interim developments when, based on the Courts orders, the convict has been granted leave on three occasions, the details of which are as follows:

- (i) W.P.No.30132 of 2023 dated 16.10.2023 – 3 days ordinary leave with police escort – 25.10.2023 to 27.10.2023;
- (ii) W.P.No.36165 of 2024 dated 09.12.2024 – 21 days ordinary leave without police escort – 13.12.2024 to 02.01.2025; and
- (iii) W.P.(CrI.) No.1280 of 2025 dated 24.11.2025 – 6 days emergency leave without police escort– 01.12.2025 to 06.12.2025

8. Mr.Muniyapparaj would accede to the position that the leave sought for now is in line with the scheme under Rule 22 of the Rules and the only reason is the track record of the convict.

9. We do not agree with the approach of the authorities in the present matter as it obliterates the orders passed by the Court in the interim, for the years 2023, 2024 and 2025. The authorities cannot expect the petitioner/convict to file a Writ Petition year on year for the same relief. Undoubtedly, the petitioner had absconded in 2018. However, there had been three instances thereafter when he had sought leave, both ordinary and emergency, based on the



medical history of his second son. Moreover, he has complied with the directions imposed by this Court.

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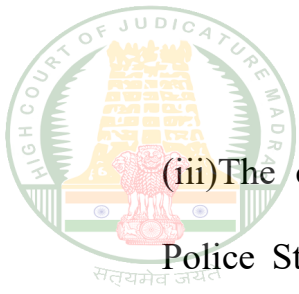
10. We are, hence, of the considered view that the authorities ought not to have rejected the leave mechanically and should have taken note of the orders passed by this Court on 16.10.2023, 09.12.2024 and 24.11.2025.

11. Mr.Muniyapparaj, would also fairly state, on enquiry, that the medical condition of the petitioner's second son has been verified, and found to be bonafide and true.

12. Hence, the impugned order is set aside and this Writ Petition allowed. The petitioner's request for grant of ordinary leave of 28 days without police escort is granted on the following conditions:

(i)The respondents are directed to release the convict viz., Alavutheen, S/o.Samsudeen, aged about 36 years, confined at Central Prison~1, Puzhal, Chennai-66, on ordinary leave for a period of twenty eight (28) days without escort i.e., from 10.03.2026 to 06.04.2026.

(ii)The convict shall be released on 10.03.2026 at 10.00 A.M. and is directed to surrender before the Superintendent of Prisons, Central Prison-I, Puzhal, Chennai, on 07.04.2026 before 10.00 A.M.



(iii) The convict shall report before the Inspector of Police, Virudhachalam Police Station, Cuddalore District, daily at 11.00 A.M, during the period of leave.

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

Connected Miscellaneous Petition is closed.

(A.S.M.,J.) (S.M.,J.)

09-03-2026

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

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Note: Registry is directed to issue a copy of this order today. (i.e., 09.03.2026)

To

1. The Deputy Inspector General of Prison,
Chennai Range,
Prison Head Quarters,
Whennels Road,
Egmore,
Chennai-600 008.
2. The Superintendent of Prison,
Central Prison-I,
Puzhal,
Chennai-600 066.
3. The Public Prosecutor,
High Court of Madras.
4. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St. George, Chennai – 9.



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WP CrI. No. 524 of 2



DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

sl

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AND
WPMP CRL. NO. 154 OF 2026

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