



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP.Crl.No.1034 of 2026

and

WPMP.Crl.No.341 of 2026

1. Leema Rose

W/o. Thambu @ Karthik, No.275, 12th
D-Cross, Krishna Nagar, Lawspet,
Puducherry - 605 008.

Petitioner(s)

Vs

1. State of Tamil Nadu Rep.by its, Principal
Secretary to Government,
Home, Prison Department, Secretariate,
Chennai - 600 009.

2.The Superintendent of Prison,
Central Prison, Cuddalore, Cuddalore District.

3.The Inspector of Police,
Auroville Police Station, Villupuram District.
Cr.No.310 of 2003.

Respondent(s)

PRAYER

To issue a Writ of Certiorarified Mandamus or order or direction in the nature of a writ calling for the records relating to the impugned order passed in No.14616/Tha.Ku.1/2026 on the file of the 2nd respondent dated 15.03.2026 quash the same and direct the 1st respondent to consider the application of the petitioner dated 05.03.2026 for premature release of her husband viz. Thambu @ Karthick (Male/49 Years) (Prisoner No.14616) now lodged at Central Prison, Cuddalore and pass such further or other orders.



For Petitioner(s): Mr.S.Doraiswamy

For Respondent(s): Mr.S.Yogaraja Sekar
Government Advocate (Crl.Side)

ORDER

The petitioner is the wife of the convict prisoner by name, Thambu @ Karthick. He is now undergoing imprisonment in the Central Prison, Cuddalore.

2.It is the plea of her husband that if the remissions, calculated as per the Tamil Nadu Prison Rules, 2024 as well as the Tamil Nadu Prison Rules, 1983, are taken into consideration and added to the period of imprisonment that he has actually suffered, he should have been released from jail by now. Therefore, she made a representation on 05.03.2026, calling upon the prison authorities to release the petitioner's husband from jail. It was rejected by way of the impugned order dated 15.03.2026. Hence, the present writ petition.

3.This Court entertained the writ petition and called upon the learned Government Advocate (Crl.Side) to file a counter.

4.After the matter suffered several adjournments, the matter was listed yesterday.

5.Mr.S.Yogaraja Sekar, Government Advocate (Crl.Side) filed a counter



on behalf of the 2nd respondent. It is the plea of Mr.S.Yogaraja Sekar that the petitioner's husband, as on 10.08.2026, has completed 9 years 1 month and 12 days in prison as against the 10 years period for which he had been sentenced. I called upon Mr.S.Yogaraja Sekar to produce the records relating to the convict. Mr.S.Yogaraja Sekar has produced the same today.

6.A perusal of the records shows that the petitioner's husband has undergone punishment, while under incarceration, on 26.06.2012, 21.12.2012, 18.05.2023, 19.05.2023 and 07.10.2024. On these, the punishment dated 21.12.2012 had been imposed invoking the Rule 302(b)(3) of the Tamil Nadu Prison Rules, 1983. Insofar as the punishment imposed on 26.06.2012, 18.05.2023, 19.05.2023 and 07.10.2024 are concerned, the punishments have been imposed invoking Rule 302(b)(4) of the 1983 Rules.

7.It is the plea of Mr.S.Yoagaraja Sekar that the authorities are entitled to reduce 4 days as contemplated under Rule 302(b)(2), even if the prisoner is punished for prison activities under any of the heads under 302(b)(1), 302(b)(3) to 302(b)(10).

8.In response, Mr.S.Doraiswamy urged that the petitioner's husband, in addition to two days of ordinary remission per month, is also entitled to two



further 4 days of remission as he is a working prisoner. Mr.S.Doraiswamy in addition states that the petitioner's husband should be given the benefit of Rule 328 and Rule 329 of the Tamil Nadu Prison Rules, 2024 (corresponding to Rule 317 and Rule 318 of Tamil Nadu Prison Rules, 1983). He states that if it is calculated as per Rule 328 and Rule 329, the petitioner's husband will be entitled for release immediately.

9.I have carefully considered the submissions of both sides. I have gone through the records.

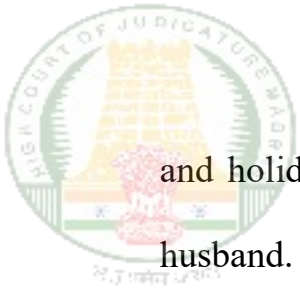
10.Insofar as the plea of Mr.S.Yogaraja Sekar that for a punishment imposed on 26.06.2012, 18.05.2023, 19.05.2023 and 07.10.2024, in addition to having undergone the punishment, the prisoner should also deemed to have lost four days is not acceptable to this Court. This is because Rule 302 of the 1983 Rules as well as Rule 313 of the 2024 Rules have separate punishments for each offence. If the argument of Mr.S.Yogaraja Sekar is to be accepted, then the prisoner would not only be vested with a major punishment under Section 302(b), but would also lose the remission of four days which he earned every month, which is another major punishment.

11.In my view, the Rules cannot be read so, because the power to forfeit



remission is made available to the Superintendent and it can be so forfeited only as a punishment. In case, considering the situation and the gravity of the offence, if the Superintendent decides to invoke any of the provisions other than Rules 302(b)(2), 302(b)(3), 302(b)(5) and 302(b)(6) of 1983 Rules, it cannot have a result of the prisoner losing the remission that he has already earned. This is because, forfeiture of a remission is a separate punishment in itself. Therefore, the argument of Mr.S.Yogaraja Sekar that as the petitioner's husband suffered punishment under Rule 302 of the 1983 Prison Rules, such as withholding of interviews and privileges on four occasions, would result in him losing 16 days is not acceptable to this Court.

12.Insofar as the plea of Mr.S.Doraiswamy that the petitioner's husband is entitled to the benefit of Rule 317 and Rule 318 of the Tamil Nadu Prison Rules, 1983 and Rule 328 and Rule 329 of the Tamil Nadu Prison Rules, 2024 is concerned, a perusal of the original records that have been produced by Mr.S.Yogaraja Sekar shows that the petitioner's husband has been granted four days per month, which corresponds to Rule 324 of 2024 Prison Rules or scale of ordinary remission. Nowhere has the petitioner's husband urged that he had worked as Warder or had been engaged in the prison services as a cook or sweeper on Sundays. In the absence of the petitioner's husband having been engaged as a convict officer or having indulged in prison services on Sundays



and holidays, the said Rule cannot come to the rescue of the writ petitioner's husband.

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13. Consequent to this discussion, the calculation given by Mr.S.Yoagaraja Sekar in page No.11 of the counter affidavit is accepted in part. Earned remission of 491 days have to be revised to 507 days. On the completion of the period so calculated and the remissions that the petitioner's husband will be otherwise earning before the actual date of release, the Prison Authority shall calculate the same and pass appropriate orders of release.

14. Accordingly, this Writ Petition stands ordered in the above terms. Consequently, the connected miscellaneous petition is closed. No costs.

13-08-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1.State of Tamil Nadu Rep.by its,
Principal Secretary to Government,
Home, Prison Department, Secretariate,
Chennai - 600 009.

2.The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.

3.The Inspector of Police,
Auroville Police Station, Villupuram
District. Cr.No.310 of 2003.

4.The Public Prosecutor,
High Court of Madras, Chennai.



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V.LAKSHMINARAYANAN J.

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