



W.P.Crl.(MD) No.4507 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2026

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE B.MURUGESAN**

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Ponnudurai

... Petitioner

-vs-

1.The Home Secretary
Government of Tamil Nadu
Secretariat, Fort St.George
Chennai-600 009

2.The Deputy Inspector
General of Prisons
Madurai Range
Madurai-625 001

3.The Superintendent of Prison
Central Prison
Palayamkottai-627 007

4.The Inspector of Police
Moolaikaraipatti Police Station
Tirunelveli District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the proceedings in No.908/Utha.2/2026, dated 07.07.2026, issued by the second respondent, quash the same and consequently direct the respondents to grant 40 days ordinary leave without escort to the petitioner's brother Sundaravel, son of Arjunan, bearing PID No.119068, who is currently lodged at Central Prison, Palayamkottai.

For Petitioner : Mr.R.Jenifar Bibin

For Respondents : Mr.D.Venkatesh
Counsel for State of Tamil Nadu (Crl.Side)

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Challenging the order dated 07.07.2026, passed by the second respondent, rejecting the request of the petitioner for grant of 40 days ordinary leave to his brother / convict prisoner, this writ petition has been filed with a consequential direction to the respondents to grant 40 days ordinary leave without escort to his brother.



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2. It is the case of the petitioner that his brother was convicted in S.C.No.283 of 2004, by the learned District and Sessions Judge, Tirunelveli, *vide* Judgment dated 27.07.2005, and he was sentenced to undergo life imprisonment for the offence under Section 302 I.P.C. The appeal preferred against the said conviction and sentence came to be dismissed by this Court in CrI.A.(MD) No.402 of 2005, *vide* Judgment dated 10.04.2007. It is stated that no further appeal has been preferred before the Apex Court as against the Judgment passed by this Court in the said criminal appeal. According to the petitioner, his brother is in incarceration for the past 18 years and he has maintained a good conduct without any adverse remarks. In such circumstances, the petitioner submitted a representation to the respondents seeking grant of 40 days ordinary leave without escort to his brother / convict prisoner in order to see his mother, who has been suffering from severe health ailments and bedridden. The said representation has been rejected under the impugned order dated 07.07.2026 citing Rule 21(i) of the Tamil Nadu Suspension of Sentence Rules, 1982 (in shhort, “the Rules, 1982”) as added *vide* G.O.(Ms) No.205, Home (Prison-5) Department, dated 25.04.2022. Challenging the same, the petitioner has come to this Court by filing the present writ petition.



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3. Learned counsel for the petitioner submits that the petitioner's brother / convict prisoner, who had come on emergency leave on the earlier occasion i.e., on 14.01.2015, did not return back to the prison on completion of the leave period i.e., on 21.01.2015 and he was secured only on 11.11.2018. Therefore, a case in Crime No.19 of 2015, on the file of Moolakaraipatty Police Station, for the offence under Section 224 I.P.C., came to be registered against him. On completion of investigation in the said case, the fourth respondent – Police filed a final report and the same was taken on file in S.T.C.No.13 of 2020, by the learned Judicial Magistrate, Nanguneri, and the said case was finally ended in acquittal *vide* Judgment dated 04.12.2024. He would further submit that the said offence under Section 224 I.P.C., is said to have been committed by the convict prisoner during the year 2015 and that Rule 21(i) of the Rules, 1982, came to be added subsequently vide G.O.Ms.No. 205, Home (Pri.V) Department, dated 25.04.2022 and came into effect only from 25.04.2022, and therefore, the said Rule 21(i) of the Rules, 1982, is not applicable to the case on hand. He would further submit that subsequently, the convict prisoner was granted emergency leave and during that time, he had duly complied with the conditions imposed on him.



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4. Learned counsel for State of Tamil Nadu appearing for the respondents submits that the offence under Section 224 I.P.C., has been committed by the convict prisoner on 21.01.2015 and he was acquitted by the Trial Court in the said case. However, in view of the bar under Rule 21(i) of the Rules, 1982, the second respondent has rejected the petitioner's request.

5. Heard the learned counsel on either side and perused the materials available on record.

6. On perusal of the records, it is seen that the convict prisoner was earlier released on emergency leave on two occasions and during one such occasion, while he went on emergency leave for a period of six days, he was to report back to the prison on 21.01.2015. However, he had not reported to the prison. Therefore, based on the complaint, a case in Crime No.19 of 2015 was registered on the file of Moolakaraiatty Police Station, for the offence under Section 224 I.P.C. However, in the said case, since the prosecution side had not proved the charges framed against the convict prisoner beyond reasonable doubts, the learned Judicial Magistrate, Nanguneri, by order dated 04.12.2024, had dismissed the case in S.T.C.No.13 of 2020. The only



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objection raised by the second respondent is that the convict prisoner was granted emergency leave on the earlier occasion for six days and at that time, he was supposed to return back to the prison on 21.01.2015, however he had not returned back to the prison. Therefore, in view of the bar under Rule 21(i) of the Rules, 1982, the convict prisoner is not entitled for grant of ordinary leave. However, it is seen that five years has lapsed since the commission of the offence under Section 224 I.P.C. Further, Rule 21(i) of the Rules, 1982, was added by way of amendment under G.O.Ms.No.205, Home (Pri.V), dated 25.04.2022.

7. At this stage, it would be beneficial to refer Rule 21(i) of the Rules, 1982, which is extracted hereunder:

“21. Non-eligibility for ordinary leave – The following categories of prisoners shall not be eligible for ordinary leave:-

(a) ...

(b) ...

...

...

(i) Prisoners who may not report back to the prison after the completion of the leave period”



9. In view of the above,

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06.30 p.m., during the period of ordinary leave.

(v) On completion of the leave period, the convict prisoner shall report before the second respondent, without fail.

(vi) No costs.

[A.D.J.C., J.] [B.M., J.]

11.08.2026

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

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Secretariat, Fort St.George,
Chennai-600 009.

2.The Deputy Inspector
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