



**W.P(MD) No.20134 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**Date : 22.08.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN  
and  
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P(MD) No.20134 of 2024**

Sudha

... Petitioner

Vs

1.The Principal Secretary to Government,  
Home, Prohibition and Excise (Prison-IV) Department,  
Fort St. George,  
Chennai – 600 009.

2.The Director General of Prisons,  
O/o. Tamilnadu Prisons Headquarters,  
Whannels Road, Egmore,  
Chennai – 600 008.

3. The Deputy Inspector General of Prisons,  
Trichy Range,  
Race Course Road,  
Trichy – 620 023.



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4. The Deputy Inspector General of Prisons,  
Coimbatore Range,  
Central Prison,  
Coimbatore – 641 018.

5. The Superintendent of Prisons,  
Central Prison,  
Trichy – 620 020.

6. The Superintendent of Prisons,  
Central Prison,  
Coimbatore – 641 018.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned order passed by the 6<sup>th</sup> respondent vide his proceedings in No.5472/ThaKu3/2024 dated 02.08.2024 and quash the same as illegal and void consequently direct the respondents to grant 40 days ordinary leave without Police escort to the petitioner's husband Murugapandian, son of Komban, Convict No. 22593 (Now at Central Prison, Tiruchirappalli in ENR No.688) forthwith by considering the petitioner's representation dated 22.07.2024.



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For Petitioner : Mr.C.Karthikeyan  
For Respondents : Mr.A.Thiruvadi Kumar,  
Additional Public Prosecutor.

### **ORDER**

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking to quash the impugned order dated 02.08.2024 passed by the sixth respondent, the Superintendent of Prisons, Central Prison, Coimbatore in proceedings No.5472/Thaku3/2024, by which order, the request of the petitioner to grant ordinary leave for 40 days to her husband Murugapandian, who is Convict No.22593 and confined at Central Prison, Tiruchirappalli, was rejected.

2. The reason sought for grant of leave is that the renovation of the house in which the petitioner is residing is required. That fact is also affirmed by the Probation Officer. The house is about 25 years old is in a dilapidated condition. The petitioner is of the opinion that the presence of her husband would be conducive and to her advantage for repair purposes.



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3.The convict, consequent to registration of FIR in Crime No.136 of 1999 and after trial in S.C.No.697 of 2000, by judgment dated 05.02.2004 of the Additional Sessions Court (Fast Track Court No.I), Tirunelveli, had been convicted for the offence under Section 302 IPC (3 counts) and sentenced to undergo life imprisonment with a fine of Rs.1,000/- in default rigorous imprisonment for three years. The Criminal Appeal preferred before this Court in CrI.A.(MD)No.618 of 2004 had also been dismissed by judgment dated 12.12.2008. The husband of the petitioner had not preferred any further appeal before the Supreme Court.

4. We have also heard Mr.A.Thiruvadikumar, learned Additional Public Prosecutor for the respondents.

5. As on 21.08.2024, the husband of the petitioner had undergone imprisonment for 15 years, 04 months and 13 days. He had also taken emergency leave for a period of 138 days in 36 spell.



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6. The sixth respondent, had however raised objections for grant of leave by stating that there is a possibility of retaliation on the life of the husband of the petitioner. It is also stated that the petitioner's husband had already availed 138 days of emergency leave.

7. It is therefore urged by the learned Additional Public Prosecutor that some safeguard must be put in place to ensure that no untoward incident happens owing to the nature of charge against the petitioner's husband.

8. The fact that the house requires repair has been however, affirmed by the report of the Probation Officer.

9. Taking all the factors into consideration and particularly, also examining the explanation given to Rule 22 of the Tamil Nadu Suspension of Sentence Rules, 1982, we would grant ordinary leave for thirty (30) days from 28.08.2024 to 26.09.2024, but would direct the petitioner to appear and sign before the Inspector of Police, Manur Police



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Station, Tirunelveli District at 10.30 a.m. and again at 5.30 p.m.  
everyday.

10. Accordingly, this writ petition is allowed and the convict prisoner is granted ordinary leave for 30 days without escort on the following conditions:-

(a)The detenu, Murugapandian, S/o.Komban [Convict Prisoner No.22593], now detained in the Central Prison, Tiruchirappalli, is granted ordinary leave for thirty (30) days from 28.08.2024 to 26.09.2024.

(b) During the said leave period, he shall report before the Inspector of Police, Manur Police Station, Tirunelveli District, everyday at 10.30 a.m., and 05.30 p.m., without fail.

(c)The detenu shall be released from the prison at 10.00 a.m., on 28.08.2024 and he shall return back to the prison at 06.00 p.m., on 26.09.2024.



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

**(C.V.K., J.) (J.S.N.P, J.)  
22.08.2024**

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No

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7. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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