



W.P.(MD)No.23494 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.10.2024

CORAM:

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

W.P.(MD)No.23494 of 2024

Kowsalya

... Petitioner

Vs.

1.The Director General of Prison,  
(Correctional Services) Madurai Range,  
O/o. Madurai Central Prison,  
New Jail Road, Arasaradi,  
Madurai.

2.The Superintendent of Central Prison,  
O/o. Superintendent of Central Prison,  
Central Prison, Palayamkottai,  
Tirunelveli.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the second respondent not to cut-off and shave petitioner's husband hair on his head and face against his religious belief and contra to Tamil Nadu Prison Manual Rules, 1983 by considering the petitioner's representation dated 07.08.2024.

For Petitioners

: Mr.A.Naresh Prabu



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For Respondents

: Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor.

### **ORDER**

This writ petition has been filed seeking orders to direct the second respondent not to cut-off and shave petitioner's husband hair on his head and face against his religious belief and contra to Tamil Nadu Prison Manual Rules, 1983 by considering the petitioner's representation dated 07.08.2024.

2.The learned counsel appearing for the writ petitioner would submit that the writ petitioner's husband, namely, Saktivel was convicted in C.C.No.279 of 2021 on the file of the Special Court for EC and NDPS Act Cases, Madurai and he was sentenced to undergo 10 years rigorous imprisonment, that the writ petitioner's husband has preferred an appeal before this Court in CrI.A.(MD)No.629 of 2022 and the same was dismissed vide order dated 14.03.2024 and that they have yet to receive the copy of the judgment and only after receipt of the copy, they have to prefer appeal before the Hon'ble Supreme Court.



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3.The learned counsel appearing for the writ petitioner would rely on the Rule 208 of Tamil Nadu Prison Rules, 1983. Rule 208 of Tamil Nadu Prison Rules, 1983 which contemplates that every male prisoner sentenced to rigorous imprisonment for a longer term than one month or to imprisonment for life shall, on final confirmation of the sentence, or expiry of the period of appeal without an appeal having been preferred, have the hair of his head cut or trimmed only to such an extent and at such times as may be necessary for the purposes of health and cleanliness, unless he desires that it should be cut shorter and in the same rule, it has been stated that “final confirmation of the sentence” means the decision of an appeal under Chapter XXIX of the Code of Criminal Procedure.

4.The learned counsel appearing for the writ petitioner would submit that challenging the dismissal of the appeal the accused is going to approach the Hon’ble Supreme Court and hence, they cannot compel the writ petitioner's husband to have a hair cut as suggested by them.

5.The learned Additional Public Prosecutor appearing for the respondents would fairly concede that the appeal was dismissed and the



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prison authority has right to direct the writ petitioner's husband to have such a hair cut after the final confirmation of the sentence.

6.Considering the above, the Writ Petition stands disposed of and the second respondent is directed not to force the writ petitioner's husband Sakthivel (CT No.4979) to cut-off and shave his hair on his head till the final confirmation of the sentence. No costs.

**03.10.2024**

NCC :yes/No  
Index :yes/No  
Internet:yes/No  
gns

To

1.The Director General of Prison,  
(Correctional Services) Madurai Range,  
O/o. Madurai Central Prison,  
New Jail Road, Arasaradi,  
Madurai.

2.The Superintendent of Central Prison,  
O/o. Superintendent of Central Prison,  
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**K.MURALI SHANKAR,J.**

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