



WEB COPY



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W.P.(MD)NO.844 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.P.(MD)No.844 of 2025

Kowsalya

... Petitioner

Vs.

1. The Deputy Inspector General of Prison,
O/o.the Deputy Inspector General of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.

2. The Superintendent of Prison,
Central Jail, Madurai.

3. The Superintendent of Police,
O/o.the Superintendent of Police,
Madurai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.1 and 2 to grant ordinary leave to the period of 30 days to the petitioner's husband namely Muthukumar(CP.No.1353) has been convicted and sentenced for 5 years imprisonment with Rs.5000/- fine in Spl.S.C.No.96/2018 U/s.9(m) r/w 10 of POCSO act on 27.09.2022 by considering petitioner's representation dated 14.12.2024.



For Petitioner : Mr.R.Vignesh

WEB COPY

For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

* * *

ORDER

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The petitioner's husband (Muthukumar) had suffered conviction and sentence under Section 10 of POCSO Act.

3. The petitioner wants emergency leave to be granted.

4. Considering the reasons projected in this writ petition, we direct the second respondent to grant emergency leave from 26.01.2025 to 30.01.2025 without escort.

5. The learned Additional Public Prosecutor submitted that the victim is residing in the very next street. The petitioner gives an undertaking before this Court that she will ensure that her husband will not come in contact with the victim or her family in any



circumstance. If this undertaking is breached, serious consequence will ensue for the convict as well as the petitioner.

6. Recording the said undertaking, this writ petition stands allowed in the following terms:-

(a) The convict prisoner, Muthukumar[Convict Prisoner No.1353], now detained in the Central Prison, Madurai, is granted emergency leave without escort from 26.01.2025 to 30.01.2025.

(b) The convict prisoner shall be released from the prison at 7.00 am., on 26.01.2025 and he shall return to the prison at 6.00 pm., on 30.01.2025.

(c) During the said leave period, he shall report before the Inspector of Police, Sozhavanthan police station, Madurai District daily at 7.00 p.m., from 26.01.2025 onwards, without fail.

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



WEB COPY 7. With the above direction, the Writ Petition stands allowed.

No costs.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
23rd January 2025

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU

Note : Issue order copy on 24.01.2025.

To:

1. The Deputy Inspector General of Prison,
O/o.the Deputy Inspector General of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.
2. The Superintendent of Prison, Central Jail, Madurai.
3. The Superintendent of Police,
O/o.the Superintendent of Police, Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to :

The Inspector of Police,
Sozhavanthan police station,
Madurai District.



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W.P.(MD)NO.844 OF 2025

G.R.SWAMINATHAN,J.

AND

R.POORNIMA, J.

PMU

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23.01.2025