



WEB COPY



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W.P.(MD)NO.3085 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.P.(MD)No.3085 of 2025

Vasanthi

... Petitioner /
Wife of the prisoner

Vs.

1. The Secretary to Government of Tamil Nadu,
Department of Prison,
Fort St. George, Chennai – 600 009.
2. The Deputy Inspector General of Prison,
Madurai Zone,
Madurai – 625 016.
3. The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli – 627 002.
4. The Superintendent of Police,
Tirunelveli District,
District Police Headquarters,
Tirunelveli.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order of the second respondent in No.935/UTHA.2/2024 dated 15.12.2024 and quash



the same and consequently directing the respondents to grant ordinary leave for 40 days without escort to the petitioner's husband, the prisoner, Subbaiah, S/o.Chinnathambi LCT No.3259 serving life sentence at Palayamkottai Central Prison.

For Petitioner : Mr.R.Narayanan

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 (Subbaiah) is undergoing life sentence at Central Prison, Palayamkottai (Convict Prisoner No.3259). He has already undergone ten years and one month imprisonment. The petitioner applied for grant of ordinary leave. It was rejected by the second respondent vide order dated 15.12.2024. Challenging the same, this writ petition has been filed.

3. It is stated that the victim had died during the occurrence. It is undertaken by the petitioner that her husband will not enter into



the limits of the victim's relative village during the leave period. She has also filed an undertaking affidavit to that effect.

4. In these circumstances, the convict prisoner is entitled to 28 days ordinary leave without escort. We direct the third respondent to grant 28 days ordinary leave without escort to the convict prisoner. The impugned order is accordingly set aside and this writ petition stands allowed in the following terms:-

(a) The convict prisoner, Subbaiah [Convict Prisoner No.3259, now detained in the Central Prison, Palayamkottai, is granted ordinary leave without escort for twenty eight (28) days from 06.02.2025 to 05.03.2025.

(b) The convict prisoner shall be released from the prison at 5.00 pm., on 05.02.2025 and he shall return to the prison at 10.00 am., on 06.03.2025.

(c) During the said leave period, he shall report before the Inspector of Police, Maniyatchi police station, Thoothukudi District daily at 7.00 p.m., from 06.02.2025 onwards, without fail.

(d) During the leave period, the convict



prisoner shall not enter the limits of the victim's relative village.

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

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

No costs.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
31st January 2025

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU

Note : Issue order copy on 04.02.2025.



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To:

1. The Secretary to Government of Tamil Nadu,
Department of Prison,
Fort St. George, Chennai – 600 009.
2. The Deputy Inspector General of Prison,
Madurai Zone,
Madurai – 625 016.
3. The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli – 627 002.
4. The Superintendent of Police,
Tirunelveli District,
District Police Headquarters,
Tirunelveli.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to :

The Inspector of Police,
Maniyatchi police station,
Thoothukudi District.



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AND

R.POORNIMA, J.

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