



W.P.(MD) No.14724 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.05.2025

CORAM:

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.14724 of 2025

K.Suyambukkodi

... Petitioner

-vs-

1.The Home Secretary
Home Department (Prison)
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

... Respondents

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 order in No.395/UTha.2/2025, dated 03.04.2025, quash the same, consequently



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direct the respondents to grant 21 days ordinary leave without escort to the petitioner's husband, Kurangkottai Sakthi @ Kottaiyan, S/o.Sakthivel, Convict No.3737, PID No.29217, who is presently lodged at Central Prison, Palayamkottai.

For Petitioner : Mr.P.M.Basil

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

ORDER

[Order of the Court was made by N.ANAND VENKATESH, J.]

This writ petition has been filed challenging the proceedings of the second respondent, bearing No.305/UTha.2/2025, dated 03.04.2025, and for a consequential direction to the respondents to grant 21 days ordinary leave without escort to the petitioner's husband, who is a convict and presently lodged at Central Prison, Palayamkottai.

2. Heard Mr.P.M.Basil, learned counsel for the petitioner and Mr.T.Senthil Kumar, learned Additional Public Prosecutor appearing for the respondents.



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3. The petitioner's husband was convicted for the offence under Sections 5(i) and 5(ii) read with Section 6 of the Protection of Children from Sexual Offences (POCSO) Act and Section 506(ii) I.P.C., and sentenced to undergo ten years rigorous imprisonment for the POCSO offence and two years rigorous imprisonment for the I.P.C.offence, by the learned Sessions Judge, Mahila Court, Tuticorin, *vide* Judgment dated 30.08.2016. This conviction and sentence was confirmed by this Court in Crl.A.(MD) No.346 of 2016, *vide* Judgment dated 08.06.2023 and it was further confirmed by the Apex Court. The petitioner's husband is presently undergoing the sentence at Central Prison, Palayamkottai.

4. The petitioner submitted a representation to the respondents 2 & 3 requesting for grant of ordinary leave without police escort to her husband, on the ground that the assistance of her husband is required for getting admission for their daughter to join a school. For that purpose, the petitioner also wanted her husband to deal with his ancestral property to arrange for finance.



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5. The grievance of the petitioner is that the second respondent, through the impugned proceedings, dated 03.04.2025, granted 21 days ordinary leave with police escort. The actual grievance projected by the petitioner is with regard to the insistence of police escort during the ordinary leave period.

6. In the considered view of this Court, a report has already been obtained from the Probation Officer, Kovilpatti, which does not show anything adverse against the petitioner's husband. Considering the purpose, for which the petitioner's husband is required, it will not be appropriate for the police escort to accompany the petitioner's husband.

7. In view of the above, we are inclined to modify the condition imposed by the second respondent in the impugned proceedings with respect to the police escort that was insisted during the ordinary leave period and instead, there shall be a direction to the petitioner's husband to report before the Inspector of Police, Soorangudi Police Station, Tuticorin District, daily at 05.30 p.m., during the entire period for which the petitioner's husband has been granted ordinary leave. The other conditions imposed shall stand as it is.



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8. With the above direction, this writ petition is disposed of. No costs.

[N.A.V., J.] [L.V.G., J.]

28.05.2025

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

Note to Office:

Issue order copy by 29.05.2025.

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To:

- 1.The Home Secretary,
Home Department (Prison),
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,
Soorangudi Police Station,
Tuticorin District.



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AND
L.VICTORIA GOWRI, J.

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