



W.P.(MD)No.14733 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.07.2025

CORAM

**THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

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Devi @ Thangeswari

... 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,
O/o.The Superintendent of Prison,
Central Prison,
Madurai.

3. The Superintendent of Police,
O/o.The Superintendent of Police,
Virudhuangar District.

4. The Inspector of Police,
Central Bureau of Investigation,
III Floor, E.V.K.Building,
College Road,
Chennai - 600 006.

.. Respondents



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[R4 is Impleaded as Per Order of this Court dated 21.07.2025 in WMP.Crl(MD)No.160/2025 in WP.Crl.(MD)No.14733 of 2025 by ADJCJ & RPJ]

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Prayer: Criminal Miscellaneous Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned order in No. 525/UTha.2/2025 dated 19.05.2025 issued by the first respondent and quash the same and further direct the respondents No.1 and 2 to grant the ordinary leave for a period of 30 days without escort to the petitioner's husband who is a convict prisoner, namely, Siva @ Suresh, who is languishing in Madurai Central Prison by considering the petitioner's representation dated 04.04.2025.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor
for R1 to R3

:Mr.M.Karunanithi
Special Government Pleader for R4

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

The order dated 19.05.2025, passed by the 1st respondent, rejecting the petitioner's request for grant of leave is under challenge in this writ petition.



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2. Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor and the learned Special Government Pleader appearing for the respondents.

3. The learned counsel for the petitioner would submit that the petitioner has sought ordinary leave for her husband to raise funds for the education of their daughter, however, it has been rejected. Hence, this petition.

4. The learned Additional Public Prosecutor would submit that the petitioner has been convicted in two cases. In the first case in C.C.No.6 of 2005, the petitioner's husband was convicted on 23.12.2016 and he was admitted to the prison on 20.03.2025 and in the second case in C.C.No.4 of 2006, the petitioner's husband was convicted on 17.03.2017 and he was admitted to prison on 12.01.2024 and as on today, in the first case, the convict prisoner has completed one year 5 months and 27 days incarceration and in the second case, he has completed one year 5 months 6 days incarceration and since he has not completed the requisite period for grant of ordinary leave, the respondents have rejected the representation of the petitioner.



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5. Mr.M.Karunanithi, learned Special Government Pleader appearing for the fourth respondent CBI would submit that the petitioner's husband after conviction did not surrender immediately and with much difficulty, the convict prisoner was traced and due to pressure he had surrendered and hence, the learned Special Government Pleader would object for grant of leave to the convict prisoner.

6. Though the Rule 35 of Tamil Nadu Suspension of Sentence Rules prohibits to grant of leave to the convict prisoner, it would not denude the powers of this Court to grant emergency leave.

7. In view of the above, we are inclined to direct the respondents to grant six days emergency leave to the convict prisoner with single escort. The escort charges shall be borne by the petitioner and if necessary, the same shall be adjusted from the income earned by the convict prisoner during the imprisonment period.



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8. With the above direction, this Writ Petition stands disposed of. No

costs.

[A.D.J.C., J.] & [R.P., J.]
29.07.2025

Index: Yes/No

Internet: Yes/No

NCC: Yes/No

PJL

Note: Issue order copy on 31.07.2025.

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,
O/o. The Superintendent of Prison,
Central Prison,
Madurai.

3. The Superintendent of Police,
O/o. The Superintendent of Police,
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and
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4. The Inspector of Police,
Central Bureau of Investigation,
III Floor, E.V.K.Building,
College Road,
Chennai - 600 006.

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

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