

WP(MD). No.14742 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.05.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
AND
THE HONOURABLE Dr.JUSTICE L.VICTORIA GOWRI

WP(MD). No.14742 of 2025

Balammal

... Petitioner

Vs

**1. The Deputy Inspector General,
Of Prison, Madurai Zone,
Madurai-625 016..**

**2. The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli-627 002..**

**3. The Superintendent of Police,
Office of the Superintendent of Police,
Nagercoil..**

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to modify his order dated 24.03.2025 in No.360/UTHA. 2/2025 and to grant ordinary leave of 21 days without escort to petitioners son, the prisoner, Siva Singh S/o.Mariyamicheal, CT.No.8219 (PID No.505940) in Palayamkottai Central Prison.



WEB COPY



WP(MD). No.14742 of 2025

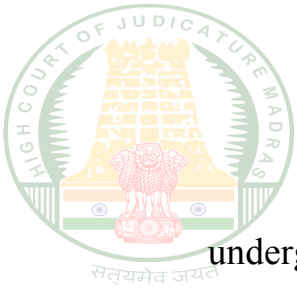
For Petitioner : Mr.R.Narayanan
For Respondents : Mr.T.Senthilkumar
Addl. Public Prosecutor

ORDER

This writ petition has been filed seeking for a modification of the order passed by the 2nd respondent in No.360/UTHA.2/2025 dated 24.03.2025, wherein, the ordinary leave of 21 days was granted to the petitioner's son with police escort.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. The case of the petitioner is that her son was convicted for offence under Section 376 IPC and was sentenced to undergo rigorous imprisonment for seven years by the Assistant Sessions Judge, Padmanabhapuram in SC No.246/2001 by judgment dated 15.10.2004. The appeal filed against the said judgment was confirmed in Crl.A.No. 246/2001 by the Fast Track Mahila Court, Nagercoil, by judgment dated 22.07.2016, which was further confirmed by this Court in Crl.R.C.No. 849/2016 by order dated 09.03.2023. Presently, the petitioner's son is



WP(MD). No.14742 of 2025

undergoing sentence at Palayamkottai Central Prison.

WEB COPY

4. The petitioner submitted a representation before the first respondent seeking for ordinary leave on the ground that she is aged about 80 years and she is suffering from age related ailments and she does not have sufficient finance to take medical treatment. Therefore, the petitioner wanted help from her son, who is undergoing sentence.

5. The representation made by the petitioner was considered by the first respondent and through order dated 24.03.2025, ordinary leave was granted for 21 days with escort.

6. The grievance of the petitioner confines itself to the ordinary leave granted with escort and the petitioner seeks for modification of the same.

7. The learned Additional Public Prosecutor, on instructions, submitted that there are objections from the side of the respondents for modification of the condition since the case in hand involves a rape and



WP(MD). No.14742 of 2025

that the victim is residing in the same village.

WEB COPY

8. The first respondent has granted ordinary leave after getting necessary report from the Probation Officer, Nagercoil and there is nothing adverse reported against the petitioner's son. Therefore, considering the purpose for which ordinary leave was granted, it may not be necessary for an escort to accompany the petitioner's son during the period of ordinary leave.

9. In the light of the above discussion, since the petitioner's son has already undergone sentence for two years and in order to ensure that nothing untoward takes place during the ordinary leave period, it will suffice if the petitioner's son is directed to report before the Inspector of Police, Thiruvattar Police Station, daily at 5.30 p.m. during the entire period of ordinary leave. Other conditions imposed by the first respondent shall stand as such.



WP(MD). No.14742 of 2025

WEB COPY

10. With the above modification and direction, the writ petition is disposed of. No costs.

[N.A.V.,J]

[L.V.G.,J]

28.05.2025

NCC : Yes/No

Index : Yes/No

RR

To

1. The Deputy Inspector General,
Of Prison, Madurai Zone,
Madurai-625 016..

2. The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli-627 002..

3. The Superintendent of Police,
Office of the Superintendent of Police,
Nagercoil..

4. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



WEB COPY



WP(MD). No.14742 of 2025

N.ANAND VENKATESH, J.
AND
L.VICTORIA GOWRI, J.

RR

ORDER
IN
WP(MD) No.14742 of 2025

Date : 28.05.2025