



W.P.CRL(MD)No.74 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.06.2025

CORAM:

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

W.P.CRL(MD)No.74 of 2025

Selvi

... Petitioner

vs.

1. The Home Secretary,
Home Department,
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 Superintendent of Police,
Kanyakumari District.

... Respondents

(R4 is suo motu impleaded as per the order dated 23.06.2025 made in this writ petition)

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records



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relating to the order passed in No.235/Utha.2/2025 dated 24.02.2025 by the 2nd respondent, quash the same and consequently direct the respondents to grant 30 days ordinary leave without escort to the petitioner's son, Selvakumar S/o.Dharmar, aged 41, Convict No.3450, PID No.17163.

For Petitioner : Mr.P.M.Basil

For Respondents: Mr.A.Thiruvadi Kumar

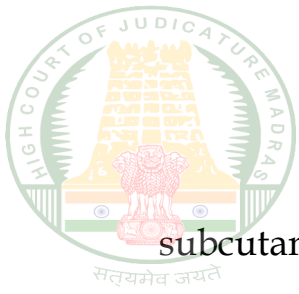
Additional Public Prosecutor

ORDER

[Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

Challenging the order passed by the 2nd respondent dated 24.02.2025, rejecting the request of the petitioner for granting 30 days of ordinary leave to her husband / convict prisoner, this writ petition is filed to quash the same, with a consequential direction to the respondents to grant 30 days of ordinary leave to the convict prisoner without escort.

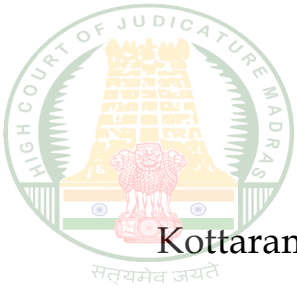
2. The learned counsel for the petitioner would submit that the petitioner is seeking ordinary leave to her husband/convict prisoner who has completed 4 years 8 months, for undergoing a surgery for



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subcutaneous lipoma measuring 6.2(ml) x 3.7(ap) x 4.4(cc) cm noted in the right para median lower cervical region [spinal cord]. In this regard, the petitioner has also enclosed the scan report of the convict prisoner in the typedset of papers. However, the local police as well as the Probation Officer, taking into consideration the offence for which the petitioner's husband was convicted, have not recommended for granting ordinary leave to the convict prisoner. The 2nd respondent also, citing the report of the Prison Doctor, rejected the request of the petitioner by the order impugned in this writ petition.

3. The learned counsel has produced the medical certificate issued by A.J Hospital, Kottaram, Kanyakumari District, dated 10.06.2025 and submitted that the Surgeon has recommended for removal of subcutaneous lipoma in the lower neck of the convict prisoner or else his life will be in danger. The Surgeon has further stated that for the said purpose, the convict prisoner should be admitted as inpatient for 6 days and after discharge, he should take rest at least for 20 days. Learned counsel would further submit that during the treatment period, the convict prisoner will be admitted in A.J Hospital,



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Kottaram, Kanniyakumari District, and after discharge, he will be staying at Rajavoor Village, Agastheeswaram Taluk, Kanniyakumari District. Thus, he would pray for grant of 30 days of ordinary leave to the petitioner's husband without escort.

4. The learned Additional Public Prosecutor who takes notice for the respondents, submitted that based on the report of the Prison Doctor, the 2nd respondent has passed the impugned order rejecting the request of the petitioner for ordinary leave. He would further submit that the convict prisoner had gone on ordinary / emergency leave on number of occasions with and without escort. However, as on today, the convict prisoner is eligible for 21 days of ordinary leave only.

5. Considering the medical condition of the convict prisoner where, he has to undergo a surgery for removal of subcutaneous lipoma in the lower neck and considering the submission of the Prosecutor that the convict prisoner is eligible for ordinary leave only for 21 days, we are inclined to grant ordinary leave to the convict prisoner for 21 days without escort, on the following conditions:



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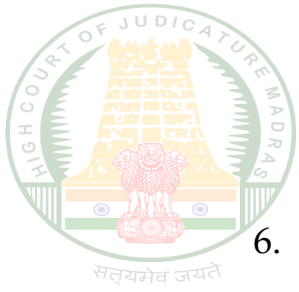
(i) The convict prisoner namely, Selvakumar, son of Dharmar (Convict No.3450, PID No.17163) now detained in the Central Prison, Palayamkottai, is granted ordinary leave for 21 days from 25.06.2025 to 15.07.2025.

(ii) The convict prisoner shall be released from the Prison at 5.00 p.m on 24.06.2025 and he shall return back to the Prison at 10.00 a.m on 16.07.2025.

(iii) During the hospitalisation of the convict prisoner at A.J Hospital, Kottaram, which comes under the limits of Kanyakumari, he shall be monitored by the concerned Inspector of Police, Kanyakumari.

(iv) After getting discharge from the said hospital, the convict prisoner will stay at Rajavoor Village. During that period, he shall be monitored by the Inspector of Police, Anjugramam Police Station, Kanyakumari District.

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



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6. Considering the fact that the convict prisoner is going to take treatment in the hospital at Kanyakumari and the subsequent stay at Rajavoor Village, Kanyakumari, the Superintendent of Police, Kanyakumari District, is hereby *suo motu* impleaded as 4th respondent. Office is directed to carry out necessary amendment and mark a copy of this order to the Superintendent of Police, Kanyakumari District.

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

No costs.

[A.D.J.C., J.] [R.P., J.]
23.06.2025

Index : Yes / No

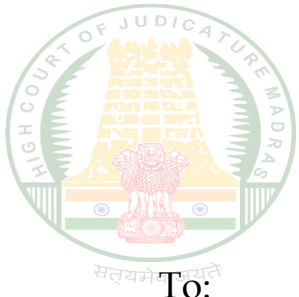
Neutral Citation : Yes / No

Note to Registry:

(i) Mark a copy of this order to the Superintendent of Police, Kanyakumari District.

(ii) Issue order copy before Afternoon of 24.06.2025.

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To:

WEB COPY

1. The Home Secretary,
Home Department,
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 Superintendent of Police,
Kanyakumari District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA, J.

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ORDER MADE IN
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DATED : 23.06.2025