

W.P(MD)No.122 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2025

CORAM:

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

W.P.Crl.(MD)No.122 of 2025

Sathya

... 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,
Central Prison,
Madurai.

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

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to grant of emergency leave without escort for the period of 5 days to her husband who is convict prisoner languishing in Madurai Central Prison, namely, Sasikumar S/o.Pandi by considering the petitioner's representation dated 08.06.2025.

For Petitioner : Mr.R.Rajan

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

ORDER

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

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents to grant 5 days emergency leave without escort to the petitioner's husband namely, Sasikumar S/o.Pandi now confined at Central Prison, Madurai, by considering the petitioner's representation dated 08.06.2025.

2. The case of the petitioner is that her husband is a convict



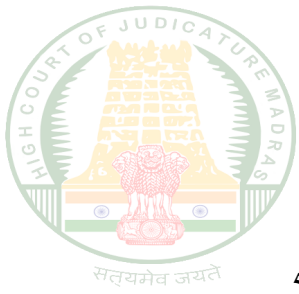
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prisoner undergoing sentence at the Central Prison, Madurai and her mother living in Cumbum, Theni District passed away on 08.06.2025 and she died without male heirs and that the presence of the petitioner's husband/son-in-law is required to perform all the final rites of her mother. She had made a representation dated 08.06.2025 seeking 5 days of emergency leave to her husband for attending her mother's funeral. Finding no response, she has filed this writ petition.

3. The learned Additional Public Prosecutor on instructions from the respondents would submit that the petitioner's husband has been convicted on 17.04.2025 in C.C.No.159 of 2018 for the offence under Section 8(c) r/w.20(b) (ii) (c) and 25 of NDPS Act. Further, another case in C.C.No.982 of 2021 is pending before Special Court for Communal Clash Cases, Madurai and therefore, the husband of the petitioner is not entitled for emergency leave.

4. Heard the learned counsel on either side and perused the materials available on record.



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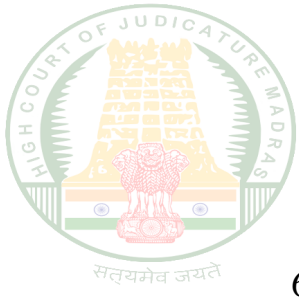
5. However, taking into consideration that the mother of the petitioner died without a male heir and that since the petitioner's husband being a son-in-law, has to perform all the last rites, we are inclined to grant emergency leave to the convict prisoner for one day with necessary escort, on the following conditions:

(i) The convict prisoner namely, Sasikumar S/o.Pandi, now detained in the Central Prison, Madurai, is granted emergency leave for one day on 09.06.2025 from 4.30 p.m.

(ii) The convict prisoner shall be released from the prison at 4.30 p.m on 09.06.2025 and he shall be brought back to the prison by 5.30 p.m on 10.06.2025.

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

(iv) The Commissioner of Police, Madurai City is directed to provide necessary escort to the convict prisoner from the Central Prison at the time when he leaves the prison and till such time, he is taken back to the prison. It is clarified that the cost involved in providing escort shall be borne by the petitioner.



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

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No costs.

[A.D.J.C., J.] [R.P., J.]
09.06.2025

Index : Yes / No
Neutral Citation : Yes / No
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Note : Issue order copy on 09.06.2025



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To:
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- 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,
Central Prison,
Madurai.
- 3.The Superintendent of Police,
O/o.The Superintendent of Police,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

- 1.The Commissioner of Police,
Madurai City,
Madurai.



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

rm

ORDER MADE IN
W.P.Crl.(MD)No.122 of 2025

DATED : 09.06.2025