



W.P Criminal (MD) No.159 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 Criminal.(MD)No.159 of 2025

Umagandhi

... Petitioner

-Vs-

1.The Superintendent of Prison,
Central Prison,
Trichy-620 020.

2.The Commissioner of Police,
City Police Office,
Pudukkottai Main Road,
Trichy.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned order passed by the 1st respondent vide his proceedings in No.23386 / Thaku. 4/2024, dated 05.06.2025 and quash the same and consequently, grant 6 days emergency leave without escort to the petitioner's husband A.K.Subbu @ Subramanian, S/o. Krishnasamy (PID.No.235504) lodged at Central Prison, Trichy forthwith considering the representation, dated 09.05.2025.

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For Petitioner : Mr. C. Karthikeyan

For Respondents : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

ORDER

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

The order dated 05.06.2025, passed by the first respondent, rejecting the petitioner's request for grant of ordinary leave, is under challenge in this writ petition.

2. The petitioner has made a representation to the Prison authorities to grant an ordinary leave to her husband to undergo the surgery, whereas the respondents rejected the same contending that the petitioner's husband is facing trial in pending cases and thereby, the petitioner is not eligible for leave as per Rule 35 of Tamil Nadu Suspension of Sentence Rules, 1982.

3. The learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that the representation of the petitioner has been rejected as another case is pending trial and the same is posted for trial on 26.06.2025. However, he would submit that the request of the petitioner has



been verified and it is found that the petitioner is suffering from Chronic Mastoiditis in both ears.

4. We have heard the learned counsel appearing on either side.

5. This Court is of the view that the Rules does not empower the Court for granting leave, however taking into consideration the sympathetic and humanitarian grounds and considering the submission made by the learned Additional Public Prosecutor and considering the purpose for which the leave sought is for, we are inclined to direct the respondents to grant 6 days ordinary leave to the petitioner's husband to undergo the surgery without escort.

5. Accordingly, the writ petition is disposed of with the following directions:

- (i) The respondents are directed to grant 6 days emergency leave to the petitioner's husband, namely, A.K.Subbu @ Subramanian, S/o. Krishnasamy Convict PID No.235504 from 27.06.2025 to 02.07.2025.
- (ii) He shall be released from the prison on 26.06.2025 at about 5.30 pm., and report back to the Superintendent of



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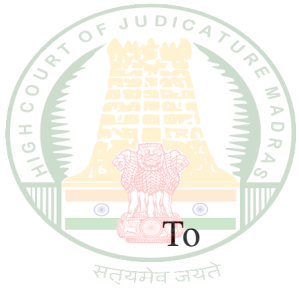
Prison, Central Prison, Trichy / first respondent, by
03.07.2025 at 5.30 pm.,

- (iii) During the leave period, the convict prisoner shall appear before the E.Pudhur Police Station, Trichy District everyday at 7.00 a.m., without fail.
- (iv) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities,
- (v) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual.
- (vi) No costs.

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

NCC : Yes / No
Index : Yes / No
trp

Note: Issue order copy on 24.06.2025



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To

1. The Superintendent of Prison,
Central Prison,
Trichy-620 020.
2. The Commissioner of Police,
City Police Office,
Pudukkottai Main Road,
Trichy.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Inspector of Police
E.Pudhur Police Station, Trichy District



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A.D.JAGADISH CHANDIRA, J.

AND

R.POORNIMA, J.

trp/aav

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