



W.P.Crl(MD) No.202 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.06.2025

CORAM:

THE HONOURABLE **MR.JUSTICE A.D.JAGADISH CHANDIRA**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

W.P.Crl(MD)No.202 of 2025

Sahayapunitha

... Petitioner

-Vs-

1.The Home Secretary,
Home Department (Prison),
Secretariat, Fort St. George,
Chennai-600 009.

2.The Deputy Inspector General of Prisons,
Madurai Range, Madurai0625 001.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai-627 007.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings in No.322/Utha.2/2025 dated 17.03.2025 issued by the second respondent, quash the same and consequently direct the respondents to grant 28 days Ordinary leave without escort to the petitioner's husband namely Babu @

Page 1 of 7



W.P.Crl(MD) No.202 of 2025

Gopalakrishnan, S/o.Selvaraj, bearing Convict No.4392 and PID No.159564, who is currently lodged at Central Prison, Palayamkottai.

For Petitioner : Mr.P.M.Basil
For Respondents : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

ORDER

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

The order dated 17.03.2025, passed by the second respondent, rejecting the petitioner's request for grant of ordinary leave without escort, is under challenge in this writ petition.

2.The case of the petitioner is that her husband was convicted by the Additional District and Sessions Court, Nagercoil in S.C.No.53 of 2012 and sentenced to life imprisonment on 11.04.2019. Aggrieved against the said conviction, an appeal has been filed before this Court and the same was confirmed. The petitioner has sent a representation on 17.02.2025 to the third respondent seeking ordinary parole for the convict to enable him to visit his ailing mother and urgently requires the physical and emotional support of her son. The second respondent passed an impugned order, dated 17.03.2025 rejecting the representation of the petitioner on the ground that the convict prisoner has not



W.P.Crl(MD) No.202 of 2025

completed three years of imprisonment. Challenging the said rejection order, the petitioner has filed the present writ petition seeking 28 days ordinary leave for her husband.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that the representation of the petitioner has been rejected on the ground that the convict prisoner has not completed three years period of imprisonment. He further submitted that the reasons mentioned by the prisoner seeking emergency leave has been verified through the Probationary Officer and it has found that the reason is true.

4. Though the petitioner's husband is not eligible for ordinary leave, it will not denude the power of this Court to grant emergency leave.

5. Though we are not inclined to set aside the order of the second respondent, taking into consideration the request of the petitioner and also taking into sympathetic and humanitarian consideration, we are inclined to dispose of the writ petition directing the second respondent to grant emergency leave for 6 days to the jail inmates with single escort.

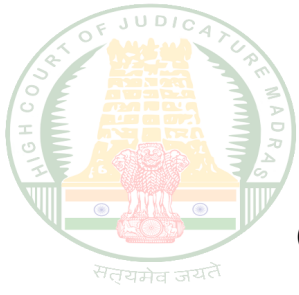


W.P.Crl(MD) No.202 of 2025

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

- (i) The respondents are directed to grant six days emergency leave to the petitioner's husband, namely, Babu @ Gopalakrishnan, S/o.Selvaraj from 23.06.2025 to 28.06.2025.
- (ii) The convict prisoner shall be released from the prison at 5.00 p.m on 22.06.2025 and he shall return back to the prison at 10.00 a.m on 29.06.2025.
- (iii) Necessary escort shall be provided to accompany the convict prisoner.
- (iv) 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.
- (v) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities.



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W.P.Crl(MD) No.202 of 2025

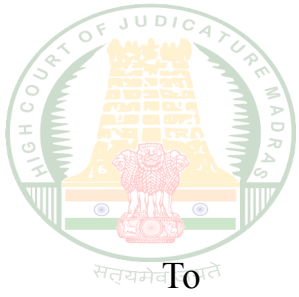
(vi) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual.

(vii) No costs.

[A.D.J.C., J.] & [R.P., J.]
18.06.2025

NCC : Yes / No
Index : Yes / No
am

Note: Issue order copy on 20.06.2025



W.P.Crl(MD) No.202 of 2025

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- To
1. The Home Secretary,
Home Department (Prison),
Secretariat, Fort St. George,
Chennai-600 009.
 2. The Deputy Inspector General of Prisons,
Madurai Range, Madurai 0625 001.
 3. The Superintendent of Prison,
Central Prison,
Palayamkottai-627 007.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P.Crl(MD) No.202 of 2025

A.D.JAGADISH CHANDIRA, J.

AND

R.POORNIMA, J.

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