



W.P.Crl.(MD) No.228 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.07.2025

CORAM:

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

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

W.P.Crl(MD)No.228 of 2025

in

W.P.M.P Crl.(MD)No.61 of 2025

1. Pandiselvi

... Petitioner

- Vs. -

1.The Secretary to Government,

Home Department (Prison),

Government of Tamil Nadu,

Secretariat,

St.George Fort,

Chennai-9.

2. The Deputy Inspector General Of Prison,

O/o.The Deputy Inspector General of Prison and

Correctional Services Department,

New Jail Road,

Madurai.

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3. The Superintendent of Prison, Central prison,
Madurai.

4. The Superintendent of Police,
Theni District.

... Respondent(s)

Prayer: Writ of Certiorari and Mandamus Calling for the records of the impugned order passed by the 2nd respondent No.164/Utha.2/2024 dated 04.02.2025 and quash the same and consequently directing the respondents to grant 21 days ordinary leave without escort to the petitioner's husband namely Adhi @ Arunkumar, (C.P.No.6085) who is confined at Central Prison, Madurai, a life convict for the purpose of attending serious illness of his wife.

For Petitioner : Mr.S.Srikanth

For Respondents : Mr.S.Ravi,

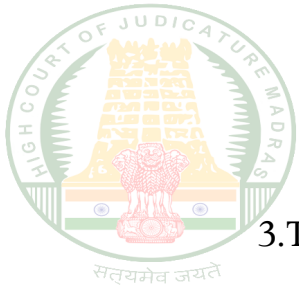
Additional Public Prosecutor

ORDER

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

The order dated 04.02.2025, passed by the second respondent, rejecting the petitioner's request for grant of ordinary leave, is under challenge in this writ petition.

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



3.The learned counsel appearing for the petitioner submitted that the wife of the convict prisoner is affected by polio and that the assistance of the convict prisoner is required to raise funds for her children's education. Hence, she prays for 21 days of ordinary leave to the convict prisoner.

4.The learned Additional Public Prosecutor further submitted that the petitioner had earlier escaped from the custody and has also got pending cases against him and thereby there is a bar for ordinary leave to the petitioner. As per Rule 2(4) of the Tamil Nadu Suspension of Sentence Act, 1982, the convict prisoner is not entitled for emergency leave

5.Though as per the Rule the convict prisoner is not eligible for leave, that would not denude the powers of this Court to grant emergency leave.

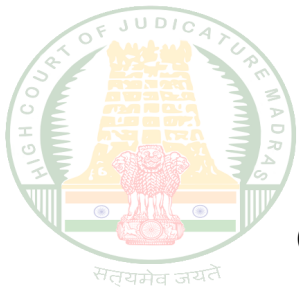
6.Recording the submission made by the learned Additional Public Prosecutor and considering the purpose for which the leave sought is for, we are inclined to direct the respondents to grant six days emergency leave to the petitioner's husband with two escorts.



7. 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, Adhi @ Arunkumar, (C.P.No.6085) from 06.07.2025 to 11.07.2025. The convict prisoner shall be released from the prison on 05.07.2025 at 05.30 p.m.
- (ii) He shall report back to the Superintendent of Prison, Central Prison, Madurai / third respondent, by 12.07.2025 at 10.30 a.m.,
- (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,
- (vi) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual.



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(vii) No costs. Consequently, the connected miscellaneous petition is also closed

8.List the matter on 13.07.2025 “for reporting compliance”.

[A.D.J.C., J.] & [G.A.M., J.]
03.07.2025

NCC : Yes / No

Index : Yes / No

NS

Note:Issue order copy on 04.07.2025

To

1.The Secretary to Government,

Home Department (Prison),
Government of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai-9.

2. The Deputy Inspector General Of Prison,
O/o.The Deputy Inspector General of Prison and

Correctional Services Department,
New Jail Road,
Madurai.

3.The Superintendent of Prison, Central prison,
Madurai.

4. The Superintendent of Police,
Theni District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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AND

G.ARUL MURUGAN, J.

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