



W.P.Crl.(MD)No.302 of 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 17.07.2025**

**CORAM:**

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

**W.P.Crl.(MD) No.302 of 2025  
and  
W.M.P.Crl.(MD) No.83 of 2025**

Pavithra,  
W/o.Prakash

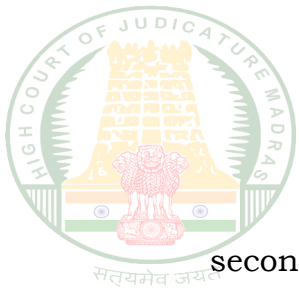
... Petitioner

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.
- 3.The Superintendent of Prison,  
Central Prison, Madurai.
- 4.The Superintendent of Police,  
Madurai District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, to call for the records of the order passed by the second respondent in No.621/cj.2/2025, dated 12.06.2025 and quash the same and consequently, direct the



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second and third respondents to grant 21 days ordinary leave without escort to the petitioner's husband namely Prakash, son of Chellamuthu (CP No.5831) now confined under Central Prison, Madurai.

For Petitioner : Mr.S.Srikanth

For Respondents : Mr.A.Thiruvadi Kumar  
Additional Public Prosecutor

### **ORDER**

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

This writ petition has been filed challenging the order of rejection of the petitioner's representation seeking 21 days ordinary leave for the convict prisoner.

2. The case of the petitioner is that the petitioner's husband was convicted and sentenced to undergo life imprisonment by the V-Additional District Sessions Judge, Madurai in S.C.No.147 of 2015. Thereafter, the petitioner's husband preferred an appeal before this Court, in which the judgment of the trial Court was confirmed. She would submit that as against the judgment of this Court, the petitioner's husband has also preferred an appeal before the Hon'ble Apex Court and the same is also pending. She would further submit that ever since the conviction, her husband is in incarceration and prays for allowing the writ petition.



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3. The learned counsel for the petitioner would submit that the petitioner's mother *viz.*, Rajathi, who is aged about 65 years is suffering from various age-related health problems and is advised to undergo eye surgery. Therefore, feeling that the presence of the petitioner's husband is very much important at the time of surgery, the petitioner submitted a representation dated 13.05.2025 to the second respondent seeking 21 days ordinary leave. However, the second respondent rejected the petitioner's representation by the impugned order stating that there are two cases pending against the petitioner's husband. Therefore, the present writ petition.

4. The learned Additional Public Prosecutor would submit that the convict has got two cases against him one in S.C.No.426 of 2018 and the another case in S.C.No.684 of 2024 both pending on the file of the VI-Additional District and Sessions Court, Madurai. He would further submit that S.C.No.684 of 2024 is posted on 22.07.2025 and S.C.No.426 of 2018 is posted to 31.07.2025 and since the cases are pending trial, the petitioner's application has been rejected in *lieu* of Rule 35 of the Tamil Nadu Suspension of Sentence Rules, 1982.

5. At this juncture, the learned counsel for the petitioner would submit that though the petitioner has sought for 21 days ordinary



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leave, it would be suffice if the petitioner's husband is granted emergency leave for six days for performing the surgery for his mother.

6. Recording the submissions made by the learned Additional Public Prosecutor and considering the purpose for which leave is sought for, we are inclined to direct the respondents to grant six days emergency leave to the convict prisoner with one escort.

7. Accordingly, this Writ Petition is disposed of with the following directions:

(i) The respondents are directed to grant six days emergency leave to the convict prisoner namely Prakash, son of Chellamuthu, C.P.No.5831, from 24.07.2025 to 29.07.2025. The convict prisoner shall be released from the prison on 23.07.2025 at 05.30 p.m.;

(ii) He shall report back to the Superintendent of Prison, Central Prison, Madurai/third respondent by 30.07.2025 at 10.30 am.;

(iii) The escort charges shall be borne by the petitioner and if necessary, the same shall be



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adjusted from the income earned by the convict prisoner during the imprisonment period;

(iv) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities; and

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

Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.] [R.P., J.]  
17.07.2025

**Note:** Issue order copy by 21.07.2025

Index:Yes/No

Internet:Yes/No

NCC:Yes/No

abr

To

- 1.The Secretary to Government,  
Home Department (Prison),  
State 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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**A.D.JAGADISH CHANDIRA, J.**  
**and**  
**R.POORNIMA, J.**

abr

- 3.The Superintendent of Prison,  
Central Prison, Madurai.
- 4.The Superintendent of Police, Madurai District.
- 5.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

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**17.07.2025**