



W.P.crl.(MD) No.346 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P.Crl(MD)No.346 of 2025

and

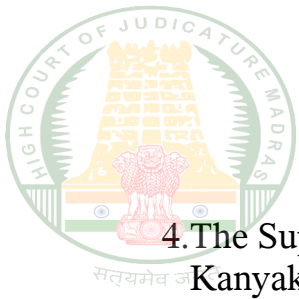
W.M.P(MD)No.94 of 2025

Vijila

... 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,
Madurai Range,
Madurai.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.



W.P.crl.(MD) No.346 of 2025

4. The Superintendent of Police,
Kanyakumari District.

... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the order passed by the second respondent in No.427/ .2/2025 dated 11.04.2025 and quash the same and consequently directing the 2nd and 3 respondents to grant 28 days ordinary leave without escort to the petitioner's husband namely Venkatesh, S/o.Suyambulingam(C.P.No.4517) now confined at Central Prison, Palayamkottai to attend the petitioner's medical ailments.

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 11.04.2025, passed by the second respondent, rejecting the petitioner's representation for grant of ordinary leave, is under challenge in this writ petition.

2. The writ petitioner is the wife of the convict prisoner and for attending serious illness of his wife, she has sought for twenty eight(28) days ordinary leave to the convict prisoner.

Page 2 of 6



W.P.crl.(MD) No.346 of 2025

3.The learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that the convict prisoner has been convicted for offence under Sections 120(b), 302, 449 r/w 394 IPC and that he has not completed the period of 7 years imposed for offence under Section 392 and thereby he is not eligible for leave as per Rule 21(b) of the Prison Rules. The learned counsel further submitted that the convict prisoner has also got a pending case in C.C.No.87 of 2014 on the file of the Judicial Magistrate, Nagercoil and thereby, the convict prisoner is not eligible as per Rule 35.

4.Per contra, learned counsel appearing for the petitioner submitted that the petitioner is in jail for more than 5 years and that he has not gone on leave even for a single occasion.

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

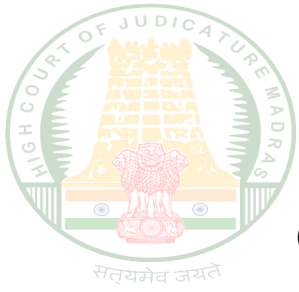
6.Recording the submission made by the learned Additional Public Prosecutor and considering the purpose for which the leave sought is for, we are inclined to direct the respondents to grant six days emergency leave to the petitioner's husband to attend serious illness of his wife with one escort.



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, Venkatesh, S/o.Suyambulingam(C.P.No.4517) from 04.07.2025 to 09.07.2025. The convict prisoner shall be released on 03.07.2025 at 05.30 p.m.
- (ii) He shall report back to the Superintendent of Prison, Central Prison, Tirunelveli / third respondent, by 10.07.2025 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.



W.P.crl.(MD) No.346 of 2025

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

8.List the matter on 11.07.2025 “for reporting compliance”.

[A.D.J.C., J.] & [R.P., J.]
01.07.2025

NCC : Yes / No

Index : Yes / No

NS

Note:Issue order copy on 02.06.2025

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

Page 5 of 6



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W.P.crl.(MD) No.346 of 2025

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