



WP CrL.(MD) No.365 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.07.2025

CORAM:

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

AND

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

WP CrL.(MD)No.365 of 2025

and

W.P.M.P(MD)No.98 of 2025

Dhayal

... Petitioner

-Vs-

1.The State Rep. its,
Principal Secretary to the Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai-600 009.

2.The Deputy Inspector General of Prison,
Madurai Range,
Madurai.

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

... 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 impugned order bearing No.660/Vu.Tha.2/2024, dated 26.06.2025 passed by the second

Page 1 of 7



WP CrL.(MD) No.365 of 2025

respondent and quash the same and consequently direct the respondents to grant ordinary leave for 30 days to the petitioner's husband namely V.P.Pandi @ Attack Pandi, S/o.Ponnusamy (C.P.No.5932) detained at Central Prison, Madurai.

For Petitioner : Mr.C.Mayil Vahana Rajendran
For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

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

The present Writ Petition is filed challenging the impugned order passed by the second respondent, dated 26.06.2025 and quash the same and consequently direct the respondents to grant ordinary leave for 30 days to the petitioner's husband namely V.P.Pandi @ Attack Pandi, S/o.Ponnusamy (C.P.No. 5932) detained at Central Prison, Madurai.

2. It is the case of the petitioner that her husband was acquitted for in S.C.No.3 of 2009, dated 09.12.2009 by the learned Principal District and Sessions Court, Madurai. Thereafter, the State had preferred an appeal before this Court, in which, the judgment of acquittal was reversed and ordered to undergo life sentence in CrL.A(MD)No.274/2011, dated 21.03.2019. Ever since the conviction, her husband is in incarceration. The petitioner got a severe heart pain and the



WP CrL.(MD) No.365 of 2025

doctor also issued a certificate stating that she is suffering from "Rheumatic Heart Disease". Since she was unable to manage her family expenses and her treatment costs require the sale of property which is in her husband's name, to sell the property and execute the sale deed in favour of the vendee, the presence of the convict prisoner is necessary. Hence, she seeks for 30 days ordinary leave. Subsequently, the second respondent by order, dated 26.06.2025 rejected her representation. Challenging the said rejection order, the petitioner has filed the present writ petition seeking 30 days ordinary leave.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that though the petitioner has completed 6 years, 2 months and 22 days as a convict prisoner, in view of the pendency of two cases against him before the IV Additional District Court, Madurai in S.C.No.562 of 2018 and before the Principal District and Sessions Court, Virudhunagar District at Srivilliputhur in S.C.No.87 of 2025, the respondents have rejected the request of the petitioner citing Rule 35 of the Suspension of Sentence Rules, 1982, and thereby, there is no infirmity in the order passed by the second respondent. He further submitted that the cases are posted before the trial Court on 08.07.2025 and 09.07.2025.



WP CrL.(MD) No.365 of 2025

4. We have heard Mr.C.Mayil Vahana Rajendran, learned counsel appearing for the petitioner and Mr.S.Ravi, learned Additional Public Prosecutor appearing for the respondents.

5. Consideration the facts and circumstances of the case and also considering the fact that the petitioner has sought for leave to sell the property and that though the Rule 35 is a bar for grant of ordinary leave to the petitioner, it will not denude the power of this Court to grant emergency leave and also taking into sympathetic and humanitarian consideration, this Court is inclined to direct the respondent to grant emergency leave for 6 days to the jail inmates with one escort after 10.07.2025 as the cases are posted before the trial Court on 08.07.2025 and 09.07.2025.

5. In the result,

(i) The writ petition is allowed.

(ii) The impugned order dated 26.06.2025 passed by the second respondent, is set aside.

(iii) The convict prisoner namely V.P.Pandi @ Attack Pandi, S/o.Ponnusamy (C.P.No.5932), detained at Central Prison, Madurai shall be granted emergency



WEB COPY



WP CrL.(MD) No.365 of 2025

leave for a period of six (6) days from 14.07.2025 to 19.07.2025 with one escort.

(v) He shall report back to the Superintendent of Prison, Central Prison, Madurai on completion of leave period.

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

(vii) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the jail manual.

(viii) No costs. Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.] & [R.P., J.]
02.07.2025

NCC : Yes / No
Index : Yes / No
am



WP CrL.(MD) No.365 of 2025

WEB COPY
To

- 1.The Principal Secretary to the Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai-600 009.
- 2.The Deputy Inspector General of Prison,
Madurai Range,
Madurai.
- 3.The Superintendent of Prison,
Central Prison,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



WP CrI.(MD) No.365 of 2025

A.D.JAGADISH CHANDIRA, J.

AND
R.POORNIMA, J.

am

WP CrI.(MD)No.365 of 2025

02.07.2025