



W.P.Crl(MD)No.419 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

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M.Sujitha

... Petitioner/
Mother of the Prisoner

-Vs-

1.The Deputy Inspector General of Prison,
O/o.The Deputy Inspector General of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road,
Madurai.

2.The Superintendent of Prison,
Central Jail,
Madurai.

3.The Superintendent of Police,
O/o.The Superintendent of Police,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records passed by the respondent No.1 in No.622/உ.த.2/2025 dated 12.05.2025 and quash the same as bad in law

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and directing the respondents No.1 and 2 to grant ordinary leave without escort to the petitioner's husband namely Muniyasamy @ Chendumuniyasamy, C.P.No. 6120 who is languishing in the Madurai Central Prison by considering the petitioner's representation dated 10.05.2025.

For Petitioner : Mr.A.Karthika
For Respondents : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

ORDER

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

Challenge is made to the order dated 12.05.2025 in No.622/உ.த.2/2025, passed by the first respondent rejecting the grant of ordinary leave to the petitioner's husband.

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 would submit that earlier the convict prisoner was granted emergency leave by this Court and during such time, the convict prisoner was allowed to go without escort and thereby he prays for without escort.



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4. When the matter is taken up for hearing today, the learned Additional

Public Prosecutor appearing for the respondents, on instructions, submitted that the petitioner's husband is having two previous cases, which are posted on 18.08.2025 and 19.08.2025 respectively. The learned Additional Public Prosecutor further submitted that as per Rule 35 of Tamil Nadu Suspension of Sentence Rule, the respondents have rejected the request of the petitioner's husband.

5. Though the Rule 35 of Tamil Nadu Suspension of Sentence Rules prohibits to grant of leave to the convict prisoner, it would not denude the powers of this Court to grant emergency leave.

6. Taking into consideration of the submission made by the learned Additional Public Prosecutor and considering the purpose that the presence of the convict prisoner is required for renovation of his house, we are inclined to direct the respondents to grant five days emergency leave to the petitioner's husband, without escort.

7. Accordingly the respondents are directed to grant emergency leave to the petitioner's husband for five days without escort, taking into consideration the hearing dates ie on 18.08.2025 and 19.08.2025. During the leave period, the



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convict prisoner shall appear before the Inspector of Police, B-4, Therkuvasal Police Station, Madurai District, everyday at 10.30 a.m., without fail.

8. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

[A.D.J.C., J.] & [R.P., J.]
22.07.2025

NCC : Yes / No

Index : Yes / No

NS/aav

Note: Issue order copy on 23.07.2025

To

1. The Deputy Inspector General of Prison,
O/o. The Deputy Inspector General of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road,
Madurai.
2. The Superintendent of Prison,
Central Jail,
Madurai.
3. The Superintendent of Police,
O/o. The Superintendent of Police,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

A.D.JAGADISH CHANDIRA, J.



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AND

R.POORNIMA, J.

Ns/aav

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