



W.P.Crl(MD) No.470 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P.Crl(MD)No.470 of 2025

and

W.P.M.P.Crl(MD)No.130 of 2025

Santhiya

... Petitioner

-Vs.-

1. The Secretary to Government,
Home Department (Prison),
Government of Tamilnadu,
Secretariat,
St. George Fort,
Chennai-9

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

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

4. The Superintendent of Police,
Madurai District.

.. Respondents



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Prayer: This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, calling for the records of the order passed by the 3rd respondent in No.2616/Tha.Ku.2/2025 dated 03.07.2025 and quash the same and consequently directing the 2nd and 3rd respondents to grant 15 days emergency leave without escort to the petitioner's husband namely, Dharmapandi, son of Jeyaraman, convict prisoner(C.P.No.2523).

For Petitioner : Mr.S.Srikanth

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

ORDER

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

Prayer in this writ petition is to direct the respondents to grant 15 days emergency leave without escort to the convict namely, Dharmapandi, son of Jeyaraman, convict prisoner(C.P.No.2523), who is detained at Central Prison, Madurai.

2. The writ petitioner is the wife of the life convict and she has sought for fifteen (15) days emergency leave to the convict through her representation dated 23.06.2025 to attend the ear piercing ceremony of the petitioner's daughter



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namely, Avanthika, aged 1½ years old, scheduled to be held on 13.07.2024 at Kalappanpatti Amman Mahal, Kalappanpatti and the same was rejected. Hence, this petition.

3. The learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that the petitioner's husband has been convicted in two cases filed under NDPS Act and thereby the authorities rejected the representation of the petitioner.

4. Though the respondents rejected the petitioner's representation contending that the convict prisoner has been convicted in two cases under NDPS Act that will not denude the powers of this Court to relax such rules in suitable case.

5. In this case, the convict is the father of the child aged 1½ years old. Though Rule 6 of the Suspension of Sentence Rule does not specify the ear piercing ceremony as a ground for grant of emergency leave, taking into sympathetic and humanitarian consideration, this Court is inclined to direct the third respondent to grant emergency leave to the convict prisoner as it is an important ritual for his daughter.



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6. Accordingly, the writ petition is disposed of with the following directions:

- (i) The respondents are directed to grant only one day(13.07.2025) emergency leave to the petitioner's husband, namely, Dharmapandi, son of Jeyaraman, convict prisoner(C.P.No.2523).
- (ii) The convict prisoner shall be released from the Central Prison, Madurai, on 13.07.2025 at 10.00 a.m. and he shall report back to the Superintendent of Prison, Central Prison, Madurai / third respondent, by 13.07.2025 at 5.00 p.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,



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along with a copy of this order, before the jail authorities,

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

[A.D.J.C., J.] & [R.P., J.]
10.07.2025

NCC : Yes / No
Index : Yes / No
PJL

Note: Issue order copy on 11.07.2025

To

1. The Secretary to Government,
Home Department (Prison),
Government of Tamilnadu,
Secretariat,
St. George Fort,
Chennai-9

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

3. The Superintendent of Prison,
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4. The Superintendent of Police,

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Madurai District.



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



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A.D.JAGADISH CHANDIRA, J.

AND

R.POORNIMA, J.

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10.07.2025