



W.P.Crl(MD)No.698 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P.Crl(MD)No.698 of 2025

and

W.P.M.P.Crl.(MD)No.200 of 2025

Stella

... Petitioner

-Vs-

The State of Tamil Nadu,
Rep by the Superintendant
Central Prison,
Palayankottai,
Tirunelveli District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in No. 5919/Tha.Ku.2/2025 dated 20.06.2025 and quash the same and consequently, direct the respondent to grant 10 days emergency leave to the petitioner's husband without escort who is now confined at Central Prison, Palayankottai, by name A.Thankanadan, S/o.Appavu (PID No.667825) aged about 69 years as convict prisoner for taking further treatment for his illness at KIMS hosptial, Thiruvananthapuram.

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For Petitioner : Mr.P.Sonu
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 20.06.2025 passed in No. 5919/Tha.Ku.2/2025 by the respondent rejecting the grant of 10 days of emergency 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 the convict prisoner, who is aged about 69 years, is a diabetic and he is suffering from Systemic hypertension/Coronary artery disease/Benign Prostatic hypertrophy/anemia. He would further submit that the convict prisoner is also suffering from left diabetic foot ulcer with infective gangrene of left great toe and abscess near ankle. The convict prisoner though now given treatment in Tirunelveli Medical College Hospital, he needs specialised care. The convict prisoner was all along taking treatment at KIMS Hosital, Tiruvananthapuram,



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under one Dr.Ashok, who is a consultant Neurologist. Though there is an availability of emergency leave, the health condition of the convict prisoner requires hospitalization for longer date and thereby he would seek set aside the order of rejection and grant ordinary leave.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent would submit that the convict prisoner has been convicted for the offence under Prevention of Corruption of Act and sentenced to undergo one year of rigorous imprisonment. Even if he has to be given emergency leave, it can be for a period of 15 days in spells of 6 + 3 + 3+ 3 and as on date, the convict prisoner had already availed 4 days emergency leave and 11 days cannot be given at a stretch. He would further submit that the convict prisoner has sought for leave taking treatment at Tiruvananthapuram, hence, the respondent may not be able to provide escort and he may be directed to comply with certain conditions.

5.We have gone through the records. On perusal of the records, it is seen that the convict prisoner has been convicted for one year rigorous imprisonment and now he is taking treatment as an inpatient in Tirunelveli Medical College Hospital.

. The Doctor in Tirunelveli had given a report and the same is extracted hereunder:



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Tirunelveli Medical College Hospital
Department of General Surgery
Treatment Particulars

Name : Thanganadan

Age : 69/M

IP. No : 67210

Convict No : CT5919

DOA : 14/06/2025

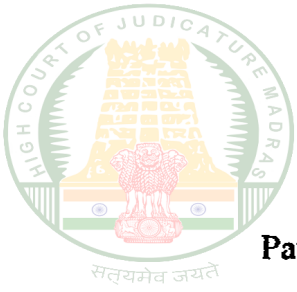
Diagnosis : Type 2 Diabetes mellitus/ Systemic hypertension /
Coronary artery disease/ Benign prostatic
hypertrophy/anemia

△ - Left diabetic foot ulcer with infective gangrene of
left great toe and abscess near ankle

Surgery done: Ray's amputation of left great toe and wound debridement
done (02/06/2025, 17/7/2015)

- 1) Patient is a K/c/o type 2 DM, SHTN, CAD, BPH with diabetic ulcer
left foot, admitted on 14/06/2025
- 2) Ray's amputation of Left great toe done on 02/06/2025
- 3) Incision and drainage done for left ankle abscess on 01/07/2025
- 4) Investigation Done: CBC, RFT, LFT, Sr electrolytes, x-ray left foot,
left knee & x-ray chest USG left knee
- 5) Cardiologist opinion and echo cardiogram done on 25/07/2025
- 6) Diabetologist opinion obtained for glycaemic control and treated
accordingly.
- 7) Patient has been treated with intravenous antibiotics and other regular
medications for CAD, BPH.
- 8) Daily cleaning and dressing for the ulcer foot

Patient present condition 30/7/25



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Patient conscious, oriented,

CVS – S1, S2 present

RS- bilateral air entry present

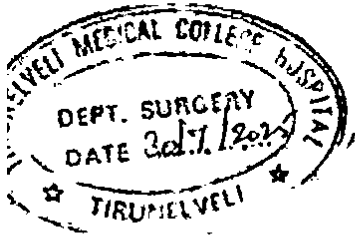
P/A – soft, bowel sounds present

Pulse- 82/min, BP – 130/80 mmHg

Left leg – ulcer size 5x4 cm ulcer at the great toe ray amputation site, pale granulation tissue present, serous discharge present

Ulcer 4x4 cm ulcer near the left ankle, anterior aspect, pale granulation tissue present.

Patient is currently getting antibiotics, antidiabetic drugs, antihypertensives, cardiac drugs, drugs for BPH, anemia and daily dressing,



Dr. Vinodhan M.S.
ASSISTANT PROFESSOR OF SURGERY
TIRUNELVELI MEDICAL COLLEGE
TIRUNELVELI-11



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6.We have also gone through the photograph of the convict prisoner.

The condition of the convict prisoner seems to be very serious and therefore, the petitioner has also sought for emergency leave for 10 days alone. Though Rule says that the convict prisoner can be granted emergency leave only in the spells of 6 + 3 + 3 + 3, it would not denude powers of this Court to grant emergency leave at a stretch. Taking into consideration the medical condition of the convict prisoner, we grant emergency leave for 10 days without escort.

7.Accordingly, the respondent is directed to grant 10 days emergency leave to the petitioner's husband viz., A.Thankanadan, S/o.Appavu (PID No. 667825) from **08.08.2025 to 17.08.2025**. The convict prisoner shall be released from the prison from **07.08.2025 at 05.30 p.m.** The petitioner and his son shall provide sufficient surety before the Superintendent, Central Prison, Palayankottai, after taking treatment, the convict prisoner shall report back to jail on **18.08.2025 at 10.30 a.m.**

8.It is made clear that the order has been passed only taking into consideration the medical condition of the convict prisoner and it shall not be taken as a precedent.



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9. With the above observations and directions, this Writ Petition stands

disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.] & [R.P., J.]
01.08.2025

NCC : Yes / No
Index : Yes / No
NS

Note: Issue order copy on 01.08.2025

To

1. The State of Tamil Nadu,
Rep by the Superintendant
Central Prison,
Palayankottai,
Tirunelveli District.

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



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AND

R.POORNIMA, J.

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