

W.P.CRL(MD)No.697 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.P.CRL(MD)No.697 of 2025

Vijaya

... Petitioner

vs.

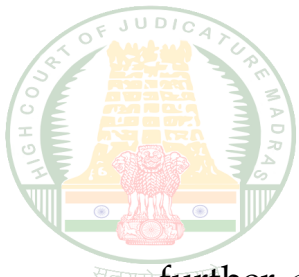
1. The Deputy Inspector General of Prison,
O/o. The Deputy Inspector General of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.

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

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned order in No.263077/ThaKu.2/2025 dated 23.06.2025 issued by the respondent No.2 quash the same as illegal and



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further direct the respondent No.1 and 2 to grant emergency leave for the period of 15 days to the petitioner's husband namely, Ganesan @ Auto Ganesan s/o. Veerana Devar (C.P.No.5673) who is life convict prisoner languishing Central Prison, Madurai, by considering the representation dated 13.06.2025.

For Petitioner : Mr.SMA.Jinnah

For Respondents: Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

ORDER

[Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

Challenging the order passed by the 2nd respondent dated 23.06.2025, rejecting the request of the petitioner to grant emergency leave to her husband/convict prisoner namely, Ganesan @ Auto Ganesan (Convict Prisoner No.5673), this writ petition is filed to quash the same, with a consequential direction to the respondents to grant emergency leave for 15 days to the petitioner's husband.

2. The learned counsel for the petitioner would submit that the petitioner sought for emergency leave to her husband/convict prisoner



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on the ground that she is suffering from heart ailment, for which, she has to undergo angiogram and during such treatment, her husband's presence is very much required. However, without considering the same, the 2nd respondent rejected the request for leave. Thus, the learned counsel would pray for setting aside the impugned order.

3. The learned Additional Public Prosecutor who takes notice for the respondents, submitted that the petitioner's husband has got a pending case in S.C.No.80/2019 on the file of the VI Additional District & Sessions Court, Madurai, and the next date of hearing is fixed on 29.08.2025, and thereby, he is not eligible for leave as per Rule 35 of the Tamil Nadu Suspension of Sentence Rules. Therefore, the 2nd respondent has rightly rejected the request of the petitioner vide impugned order, which does not warrant interference by this Court.

4. Though the learned Prosecutor submitted that since there is a pending case against the convict prisoner, he is not entitled to emergency leave as per Rule 35 of the Tamil Nadu Suspension of



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Sentence Rules, it will not denude the powers of this Court to grant emergency leave. Taking into consideration the request of the petitioner that her husband's presence is required during her heart treatment and the fact that the convict prisoner had earlier gone on leave without escort, we are inclined to grant emergency leave to the convict prisoner for 10 days without escort, on the following conditions:

(i) The convict prisoner namely, Ganesan @ Auto Ganesan s/o. Veerana Devar (C.P.No.5673) now detained in the Central Prison, Madurai, is granted emergency leave for 10 days from 14.08.2025 to 23.08.2025 without escort.

(ii) The convict prisoner shall be released from the Prison at 5.00 p.m on 13.08.2025 and he shall return back to the Prison at 10.00 a.m on 24.08.2025.

(iii) The convict prisoner shall report before the Keeraithurai Police Station daily at 10.30 a.m., from 14.08.2025 onwards.

(iv) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual.



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5. With the above direction, the Writ Petition stands allowed.

No costs.

[A.D.J.C., J.] [R.P., J.]
07.08.2025

Index : Yes / No

Neutral Citation : Yes / No

Note to Registry:

Issue order copy on 11.08.2025.

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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,
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AND
R.POORNIMA, J.

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

ORDER MADE IN
W.P.CRL(MD)No.697 of 2025
DATED : 07.08.2025