



W.P.Crl(MD)No.769 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 31.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

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Pandi

... 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,  
Theni 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.3004/....2/2025 dated 23.07.2025 and quash the same as bad in law and further direct the respondent No.1 and 2 to grant emergency leave without



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escort to the petitioner's brother namely Pandeewaran, S/o.Thilagan, C.P.No.1191  
by considering the petitioner's representation dated 18.07.2025.

For Petitioner : Dr.Lakshmi Prasanna Komara  
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 23.06.2025 passed in No.647/உ.ந.  
2/2025 by the second respondent rejecting the grant of 6 days of emergency leave  
to the petitioner's brother.

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 is in incarceration for more than 5 years and sought for 6 days  
emergency leave for attending serious illness of his mother and for attending post-  
death ceremonies of his father. He would further submit that the convict prisoner  
had no bad antecedents during his incarceration period and hence, he prays for six  
days emergency leave.



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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 as per Rule 6 of Tamil Nadu Suspension of Sentence Rules, the respondents have rejected the request of the petitioner's brother.

5. Though Rule 6 of Tamil Nadu Suspension of Sentence Rules prohibits 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 attending on the serious illness of his mother and for attending post-death ceremonies of his father, we are inclined to direct the respondents to grant five days emergency leave to the petitioner's brother, with single escort.

7. Accordingly the respondents are directed to grant emergency leave to the petitioner's brother for five days with single escort. 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.



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**WEB COPY** 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.]**  
**31.07.2025**

NCC : Yes / No  
Index : Yes / No  
NS

**Note: Issue order copy on 01.08.2025**

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,  
Theni District.
4. 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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