



W.P.Crl(MD)No.767 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

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Kokila Devi

... Petitioner/

-Vs-

The State represented by its,

1.The Deputy Inspector General of Prison,
Madurai Range,
Madurai-625 016.

2.The Superintendent,
Madurai Central Prison,
Madurai.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram.

... 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 bearing No.555/U.Th.2/2025, dated 23.06.2025 passed by the first respondent and quash the same and consequently, direct the respondents to grant ordinary leave for 28 days without escort to the detenue, Pramkumar,



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S/o.Muthu, aged about 36 years, convict prisoner, bearing Convict NO.6331 and
PID No.220602 at Central Prison Madurai.

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

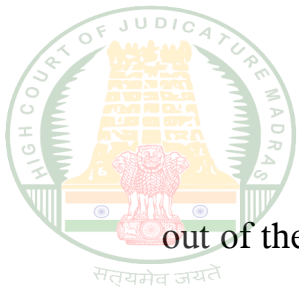
ORDER

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

Challenge is made to the order dated 23.06.2025 in No.555/U.Tha.2/2025,
passed by the first respondent rejecting the grant of 28 days 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 the
writ petitioner is the wife of the convict prisoner, who is in jail for more than 6
years and sought for leave to raise funds for her children education. The learned
counsel further submitted that the victim is presently residing at Tiruppur and now
she is married and the petitioner has given an undertaking that he will not move



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out of the Ramananthapuram District. He would further submit that this is the first time the convict prisoner is going on ordinary leave and hence, he prays for granting ordinary leave to the convict prisoner without escort.

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 a previous case for the offence under Section 75(i)(c) TNCP and Sections 324 and 506(ii) IPC and the same is pending trial in C.C.No.809 of 2019 on the file of Judicial Magistrate Court-II, Coimbatore and thereby as per Rule 35 of Tamil Nadu Suspension of Sentence Rule, the respondents have rejected the request of the petitioner's husband.

5. Though Rule 35 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 raising funds to his children education, we are inclined to direct the respondents to grant 21 days of ordinary leave to the



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petitioner's husband, without escort.

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7. Accordingly the respondents are directed to grant ordinary leave to the petitioner's husband for 21 days without escort. During the leave period, the convict prisoner shall appear before the Inspector of Police, Paramakudi Police Station, everyday at 09.00 a.m., and 07.00 p.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.]
31.07.2025

NCC : Yes / No

Index : Yes / No

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Note: Issue order copy on 04.8.2025



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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,
Madurai District.
 - 4.The Inspector of Police,
Paramakudi Police Station.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

A.D.JAGADISH CHANDIRA, J.



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AND

R.POORNIMA, J.

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