



W.P.Crl(MD)No.750 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P.Crl(MD)No.750 of 2025

and

W.M.P(MD)No.209 of 2025

Malathi

... Petitioner

-Vs-

1.The Secretary to Government,
Home Department (Prison),
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai- 600 009.

2.The Deputy Inspector General of Prisons,
Prisons and Correctional Services Department,
Madurai Range, Madurai.

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

4.The Superintendent of Police,
Ramanathapuram District.

... Respondents



W.P.Crl(MD)No.750 of 2025

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 2nd respondent in No.704/Utha.2/2025 dated 09.07.2025 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, Alex @ Alexpandi, son of Subramani, life Convict Prisoner (C.P.No.5732) (PID No. 60451).

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.)

Challenge is made to the order dated 09.07.2025 in No.704/u.tha.2/2025 , passed by the second respondent rejecting the grant of ordinary leave to the petitioner's husband/convict prisoner.

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 earlier the convict prisoner was granted emergency leave by this Court and during such time, the convict prisoner was allowed to go without escort and thereby he



prays for without escort.

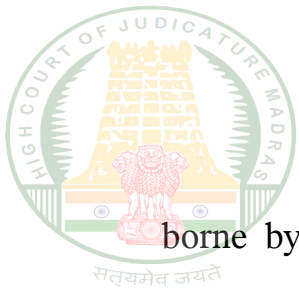
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4. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that since the convict prisoner has not completed minimum requirement of three years for grant of ordinary leave, the respondents have not granted leave in view of the bar as per Rule 35 of Tamil Nadu Suspension of Sentence Rule.

5. Though the Rule 35 of Tamil Nadu Suspension of Sentence Rules prohibits to 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 the treatment of his mother, we are inclined to direct the respondents to grant six days emergency leave to the convict prisoner with single escort.

7. Accordingly the respondents are directed to grant emergency leave to the convict prisoner for six days with single escort and the escort charges shall be



W.P.Crl(MD)No.750 of 2025

borne by the petitioner and if necessary, the same shall be adjusted from the income earned by the convict prisoner during the imprisonment period.

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.]
29.07.2025

NCC : Yes / No
Index : Yes / No
NCC : Yes/No
PJJ

Note: Issue order copy on 31.07.2025

To

1. The Secretary to Government,
Home Department (Prison),
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai- 600 009.
2. The Deputy Inspector General of Prisons,
Prisons and Correctional Services Department,
Madurai Range, Madurai.
3. The Superintendent of Prison,
Central Prison,
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4. The Superintendent of Police,
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Page 4 of 6



W.P.Crl(MD)No.750 of 2025

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



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W.P.Crl(MD)No.750 of 2025

A.D.JAGADISH CHANDIRA, J.

AND

R.POORNIMA, J.

PJL

W.P.Crl(MD)No.750 of 2025

29.07.2025