

W.P.CRL(MD)No.900 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.08.2025

CORAM:

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

**W.P.CRL(MD)No.900 of 2025
and
WPMP CrI.(MD)No.241 of 2025**

Papputhai

... Petitioner

vs.

1. The Secretary to Government,
Home Department (Prison),
Government of Tamil Nadu,
Secretariat, St.Gorge Fort,
Chennai-9.

2. The Deputy Inspector General of Prisons,
Madurai Range,
Madurai.

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

4. 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, calling for the records



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of the order passed by the 2nd No.667/VuTha.2/2025 dated 25.07.2025 and quash the same and consequently directing the 2nd and 3rd respondents to grant 28 days ordinary leave to the petitioner's son namely, Muthu S/o. Pandi convict prisoner (C.P.No.5792) (PID No. 13162) now confined under Central Prison, Madurai.

For Petitioner : Mr.S.Srikanth
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 25.07.2025, granting 28 days of ordinary leave to the petitioner's son / convict prisoner with escort, this writ petition is filed to quash the same, with a consequential direction to the respondents to grant such leave without escort.

2. The learned counsel for the petitioner would submit that when the petitioner's son was on bail during the entire period of trial and appeal, he had not violated the bail conditions and therefore, no useful purpose would be served in driving the convict prisoner to go on



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ordinary leave with escort. Therefore, the learned counsel would pray for setting aside the condition in the impugned order with regard to escort during the leave period.

3. The learned Additional Public Prosecutor who takes notice for the respondents, submitted that though the Probation Officer had recommended for granting ordinary leave to the petitioner's son, the Police had opposed for the same citing that there would be danger to his life at the hands of the victims family. However, considering the request of the petitioner, the 2nd respondent has passed the impugned order granting ordinary leave with escort. Therefore, there is no infirmity in the same warranting interference by this Court.

4. Per contra, learned counsel for the petitioner would submit that the victim is living 60 kms away from the residence of the convict prisoner.

5. Considering the fact this is the first time the convict prisoner is coming out on leave and taking note of the fact that during the period



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of trial and pending appeal, when the convict prisoner was on bail, he

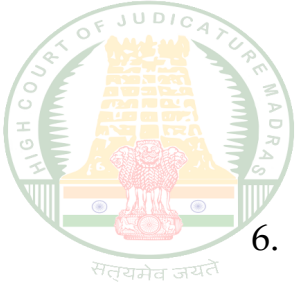
had not violated the bail conditions and also that the victim is residing 60 kms away from the residence of the convict prisoner, we are inclined to modify the impugned order to the effect that the convict prisoner shall be granted ordinary leave for 28 days without escort, on the following conditions:

(i) The convict prisoner namely, Muthu, son of Pandi (C.P.No.5792) (PID No.13162) now detained in the Central Prison, Madurai, is granted ordinary leave for 28 days from 14.08.2025 to 10.09.2025, 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 11.09.2025.

(iii) During the said leave period, the convict prisoner shall report before the Inspector of Police, Devadanapatti Police Station, Theni District, daily at 10.00 a.m., from 14.08.2025 onwards without fail.

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



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

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No costs. Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.] [R.P., J.]
11.08.2025

Index : Yes / No

Neutral Citation : Yes / No

Note to Registry:

Issue order copy on 12.08.2025.

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To:

1. The Secretary to Government,
Home Department (Prison),
Government of Tamil Nadu,
Secretariat, St.Gorge Fort,
Chennai-9.

2. The Deputy Inspector General of Prisons,
Madurai Range,
Madurai.

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

4. The Superintendent of Police,
Theni District.



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5.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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ORDER MADE IN
W.P.CRL(MD)No.900 of 2025
DATED : 11.08.2025