



W.P.Crl(MD)No.1006 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P.Crl(MD)No.1006 of 2025

and

W.P.M.P.Crl(MD)No.261 of 2025

S.Murugeshwari

... Petitioner

-Vs-

1.The Home Secretary,
Home Department (Prison)
Secretariat, Fort St.George,
Chennai-600 009.

2.The Deputy Inspector General of Prisons,
Madurai Range,
Madurai-625 001.

3.The Superintendant of Prison,
Central Prison,
Palayamkottai-627 007.

4.The Inspector of Police,
Alangulam Police Station,
Tirunelveli District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in No.588/Utha.2/2025 issued by the 2nd respondent dated 02.06.2025 quash he same and consequently direct the second respondent to grant 21 days ordinary leave without escort to the petitioner's husband Sureh S/o.Subramonian, PID No.73935.

For Petitioner : Mr.P.M.Basil
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 02.06.2025 passed in No.588/Utha. 2/2025 by the second respondent rejecting 30 days ordinary leave to the petitioner's husband.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3.The learned Additional Public Prosecutor appearing for the respondents submitted that the request of the convict prisoner was rejected by the



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respondents on two grounds. One ground is that a case in Crime No.225 of 2022 for the offence under Sections 294(b), 307 and 506(ii) IPC and in Crime No.78 of 2017 for the offence under Sections 341, 294(b), 323, 307 and 427 of IPC are pending against him before the learned Chief Judicial Magistrate, Tenkasi. The next date of hearing is 22.08.2025. He further submitted that on the date of rejection, the petitioner had not completed three years period.

4.The learned counsel appearing for the petitioner submitted that as on date, the convict prisoner has completed 3 years one month and 7 days. Hence, he seeks ordinary leave.

5.Though Rule 35 of Tamil Nadu Suspension of Sentence Rules does not provide for granting leave, 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 to partition the family property and to restore the bank accounts, we are inclined to direct the respondents to grant 6 days emergency leave to the petitioner's husband, with escort.



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7. Accordingly the respondents are directed to grant 6 days emergency leave to the petitioner's husband with single escort, after 22.08.2025. 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.

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.]
19.08.2025

NCC : Yes / No

Index : Yes / No

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Note: Issue order copy on 25.08.2025



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To

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- 3.The Superintendant of Prison,
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- 4.The Inspector of Police,
Alangulam Police Station,
Tirunelveli District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND

R.POORNIMA, J.

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