



W.P.Crl(MD)No.963 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

W.P.Crl(MD)No.963 of 2025

and

W.PM.P.Crl(MD)No.249 of 2025

Suriya Prakash

... Petitioner/

-Vs-

- 1.The Secretary to Government,
Home Department (Prison)
Government of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai-9.
- 2.The Deputy Inspector General of Prisons,
Madurai Range,
Madurai.
- 3.The Superintendant of Prison,
Central Prison,
Maurai.
- 4.The Superintendant of Police,
Madurai District.

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5. The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the order passed by the 3rd respondent in No.3208/த.க.2/2025 dated 09.08.2025 and quash the same and consequently directing the 2nd and 3rd respondents to grant 6 days emergency leave without escort to the petitioner's father Paramasivam, S/o.Kannan (C.P.No. 1108, PID No.199011), presently confined in the Central Prison, Madurai.

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 09.08.2025 passed in No.No. 3208/த.க.2/2025 by the third respondent rejecting the grant of 6 days of emergency leave to the petitioner's father.

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



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3.The learned counsel appearing for the petitioner would submit that the wife of the convict prisoner had passed away on 31.07.2025 and the 16th day of death ceremony is scheduled to be held on 14.08.2025 and 15.08.2025, for which, the presence of the convict prisoner is required. Hence, he prays for emergency leave without escort.

4.The learned Additional Public Prosecutor appearing for the respondents submitted that the wife of the convict prisoner had passed away on 31.07.2025 and thereby he was granted one day emergency leave to attend the death ceremony on 01.08.2025. Subsequently, the petitioner sought for 6 days emergency leave to the convict prisoner to attend 16th day of death ceremony. Since Rule does not provide to grant leave for attending 16th day death ceremony, the respondents had rejected the same.

5.Having gone through the records, we find that Rule does not provide for attending death ceremony of final rites. However, 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



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convict prisoner is required to attend 16th day death ceremony connected with the final rites scheduled to be held on 14.08.2025 and 15.08.2025, we are inclined to direct the respondents to grant 3 days emergency leave to the petitioner's father, without escort.

7. Accordingly, the respondents are directed to grant 3 days emergency leave to the petitioner's father without escort. During the leave period, the convict prisoner shall appear before the Inspector of Police, Nagamalai Pudukottai, everyday at 09.00 a.m., without fail. The convict prisoner shall report back to the prison on 16.08.2025 at 05.30 p.m.

8. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

[A.D.J.C., J.] & [L.V.G., J.]
13.08.2025

NCC : Yes / No

Index : Yes / No

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Note: Issue order copy on 13.08.2025



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