



W.P.Crl(MD)No.1120 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P.Crl(MD)No.1120 of 2025

and

W.P.M.P.Crl(MD)No.287 of 2025

Pangajam.K

... 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,
South Police Station,
Rajapalayam,
Virudhunagar District.

... Respondents

Page 1 of 6



W.P.Crl(MD)No.1120 of 2025

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.447/Utha.2/2025 issued by the 2nd respondent dated 05.05.2025 quash the same and consequently, direct the 2nd respondent to grant 21 days ordinary leave without escort to the petitioner's husband Kannan, S/o.Murugesha Devar, PID No.534926.

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 05.05.2025 passed in in No. 447/Utha.2/2025 by the second respondent rejecting 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 petitioner's husband has been convicted for 7 years



W.P.Crl(MD)No.1120 of 2025

for the offence under Section 397 IPC and thereby there is a bar under Rule 21(b) of Tamil Nadu Suspension of Sentence Rules, for grant of ordinary leave to the petitioner's husband. However, he would fairly submit that the respondent without understanding the same have gone one step further and also given one additional reason stating that two years period has not been over, which is not required on account of the bar.

4.The learned counsel appearing for the petitioner submitted that the petitioner is the wife of the convict prisoner and seeks ordinary leave to make an arrangement for her daughter's marriage, for which the presence of the convict prisoner is necessary. Hence, he seeks ordinary leave.

5.Though Rule 22(b) 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 make arrangement for his daughter's marriage, we are inclined to direct the respondents to grant 6 days emergency leave to the



W.P.Crl(MD)No.1120 of 2025

petitioner's husband, with single 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. 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.]
26.08.2025

NCC : Yes / No

Index : Yes / No

NS

Note: Issue order copy on 28.08.2025



W.P.Crl(MD)No.1120 of 2025

WEB COPY

To

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- 3.The Superintendant of Prison,
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Palayamkottai-627 007.
- 4.The Inspector of Police,
South Police Station,
Rajapalayam,
Virudhunagar District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

A.D.JAGADISH CHANDIRA, J.

Page 5 of 6



WEB COPY



W.P.Crl(MD)No.1120 of 2025

AND

R.POORNIMA, J.

Ns

W.P.Crl(MD)No.1120 of 2025

26.08.2025