



W.P.Crl(MD)No.1159 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :28.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

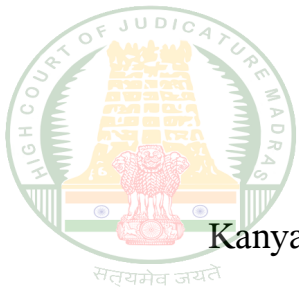
W.P.Crl(MD)No.1159 of 2025

Archana Devi

... Petitioner

-Vs-

1. The Secretary to Government,  
Home Department (Prison),  
Government of Tamil Nadu,  
Secretariat, St.George Fort,  
Chennai-9.
2. The Additional Director General of Police (Prisons)/  
The Inspector General of Police,  
Office of ADGP (Prisons) I.G of Prisons,  
Thalamuthu Natarajar Maaligai,  
Egmore, Chennai-8.
3. The Superintendent of Prison,  
Central Prison,  
Palayamkottai,  
Tirunelveli District.
4. The Superintendent of Police,  
Kanyakumari,



W.P.Crl(MD)No.1159 of 2025

Kanyakumari District.

5. The Inspector of Police,  
Aralvaimozhi Police Station,  
Kanyakumari District.

6. The Inspector of Police,  
Vadasery Police Station,  
Kanyakumari 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 third respondent through his proceedings No.5280/Tha.Ku.2/2025 dated 14.08.2025 and quash the same and consequently directing the 1<sup>st</sup> to 3<sup>rd</sup> respondents to grant 30 days emergency leave without escort to the petitioner's husband, namely, Dilip Kumar, son of Late.Murugesan, life convict prisoner (LCT-5280) (PID No.524902) now confined in Central Prison, Palayamkottai, Tirunelveli District.

For Petitioner : Mr.C.D.Johnson

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 14.08.2025 passed in No. 5280/Tha.Ku.2/2025 by the third respondent rejecting the grant of emergency leave to the petitioner's husband.



W.P.Crl(MD)No.1159 of 2025

WEB COPY

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

3. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that since the case is pending against the petitioner's husband in C.C.No.1036 of 2023 on the file of the learned Judicial Magistrate, Nagercoil, Kanyakumari District, the respondents have rejected the request of the convict citing Rule 35 of Tamil Nadu Suspension of Sentence Rule.

4. The learned counsel appearing for the petitioner would submit that the petitioner is the wife of the convict prisoner and the petitioner has sought for 30 days of emergency leave for the convict to attend serious illness of his mother. He would further submit that the convict prisoner was granted emergency leave earlier without escort and during such time, no untoward incident had happened and hence, he prays for without escort.

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



W.P.Crl(MD)No.1159 of 2025

of this Court to grant emergency leave.

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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 take care of his illness mother, we are inclined to direct the respondents to grant six(6) days emergency leave to the petitioner's husband without escort.

7.Accordingly the respondents are directed to grant emergency leave to the petitioner's husband for six(6) days without escort. During the leave period, the convict prisoner shall appear before the Aralvaimozhi Police Station, Kanyakumari District, daily at 07.00 a.m., without fail. It is made clear the convict prisoner or his associates shall not give any interview in print or visual media including the social media.

8.With the above direction, this Writ Petition stands disposed of. No costs.

[A.D.J.C., J.] & [R.P., J.]  
28.08.2025

NCC : Yes / No  
Index : Yes / No  
PJL



W.P.Crl(MD)No.1159 of 2025

To

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The Inspector General of Police,  
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5. The Inspector of Police,  
Aralvaimozhi Police Station,  
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6. The Inspector of Police,  
Vadasery Police Station,  
Kanyakumari District.
7. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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W.P.Crl(MD)No.1159 of 2025

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**AND**

**R.POORNIMA, J.**

PJL

W.P.Crl(MD)No.1159 of 2025

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