



WP.Crl.(MD)No.1478 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.09.2025

CORAM :

THE HONOURABLE Mr. JUSTICE P.VELMURUGAN
and
THE HONOURABLE Mrs. JUSTICE L.VICTORIA GOWRI

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Athilakshmi

... Petitioner/Wife of the detenu

vs.

The State represented by its

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Madurai Range,
Madurai – 625 001.

3.The Superintendent,
Central Prison,
Palayamkottai – 627 007.

4.The Superintendent of Police,
Office of Superintendent of Police,
Thoothukudi – 628 101.

5.The Inspector of Police,
Eral Police Station,
Thoothukudi – 628 801.

... Respondents



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PRAYER: Writ Petition Criminal is filed under Article 226 of the Constitution of India to issue Certiorarified Mandamus to call for the records pertaining to the impugned order bearing No.854/Vu.Tha.2/2025 dated 14.08.2025 passed by the second respondent and quash the same and consecutively direct the respondents to grant ordinary leave for 21 days without escort to the detenue, Murugesan @ Shanmuga Sundaram, S/o.Gunasekaran Pandian aged about 47 years, bearing convict No.4871, confined at Central Prison, Palayamkottai.

For Petitioner : Mr.S.Manoharan
For Respondents : Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

(Judgment was made by **P.VELMURUGAN. J.,**)

The petitioner, who is the wife of a convict prisoner bearing convict No.4871, confined at Central Prison, Palayamkottai, has filed the present writ petition seeking issuance of writ of Certiorarified Mandamus to challenge the impugned order passed by the second respondent dated 14.08.2025.



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2. The learned counsel for the petitioner would submit that the petitioner's husband is a convict prisoner and he is entitled for the ordinary leave for 21 days without any escort with the benefit of suspension of sentence, whereas the impugned order shows that they granted leave with escort, which means the benefit of suspension of sentence has not been granted to the petitioner's husband. He would further submit that if escort is provided, the petitioner's husband cannot bear the expenses of the escort and also escort will not allow him to carry out the necessary domestic work and the purpose of getting ordinary leave itself would be defeated and therefore, the impugned order is liable to be set aside.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that based on the objection given by the jurisdictional Inspector of Police, the authority has considered the ordinary leave with escort and therefore, the petitioner's husband need not bear any of the expenses of the escort and at the expenses of the Government, they will provide escort. He would further submit that on



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considering the law and order situation, the impugned order has been passed and the same need not be interfered.

4. Heard both sides and perused the records.

5. Admittedly, the petitioner's husband was convicted for the offence under Sections 120-B, 148, 302 r/w 34, 506(ii) IPC and he is now in prison. The Inspector of Police, Eral Police Station, Tuticorin District, who is the fifth respondent herein, filed a report, in which, it is stated that if the petitioner's husband, who is the convict prisoner, comes out from prison on ordinary leave without escort, there is every chance for agitation due to previous enmity between the parties and therefore, the Inspector of Police, raised strong objection.

6. The petitioner's husband is a convict prisoner for the grave offence under Section 302 r/w 34 IPC. The fifth respondent police has filed a report raising strong objection. The learned Additional Public Prosecutor submitted that the petitioner need not bear the expenses of the



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escort. Considering all the above stated facts, this Court is not inclined to interfere with the order passed by the second respondent.

7. In fine, this petition is dismissed.

(P.V., J) (L.V.G., J)
23.09.2025

Index : Yes/No
Internet : Yes/No
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**P.VELMURUGAN, J
and
L.VICTORIA GOWRI, J.**

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