



WP(MD). No.1797 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
AND
THE HONOURABLE Mrs. JUSTICE L.VICTORIA GOWRI

WP CrI. (MD). No.1797 of 2025

S.Tamilarasi

... Petitioner

Vs

1. The State of Tamilnadu,
Rep. by its Secretary to Government,
Home (Prisons) Department,
Fort St. George,
Chennai 600 009..

2. The Deputy Inspector General of Prisons (Range),
Madurai Range,
Madurai..

3. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District..

4. The Inspector of Police,,
Suchindram Police Station,
Suchindram,
Kanyakumari.

... Respondents



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PRAYER :-Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for records pertaining to impugned Order dated 29.09.2025 and direct the respondents to give effect to the ordinary leave for 28 days already sanctioned to the detenu Mr.Mohanarajan, (PID No.179573) by the 2nd respondent's order dated 29.09.2025 by quashing or waiving the condition requiring a police escort and its associated costs, and consequently direct the respondents to release the detenu on the sanctioned leave forthwith without such escort.

For Petitioner : Mr.A.Manojkumar
For Respondents : Mr.B.Nambiselvan
Addl. Public Prosecutor

ORDER

(Order of the Court was made by P.VELMURUGAN,J.)

Challenging the impugned order of the 2nd respondent dated 29.09.2025 and to direct the respondents to give effect to the ordinary leave for 28 days already sanctioned to the detenu Mohanarajan, (PID No.179573) by waiving the condition requiring a police escort and its associated costs and consequently to direct the respondents to release the detenu on the sanctioned leave forthwith without such escort, the petitioner is before this Court with this petition.



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2. Seeking emergency leave for the convict prisoner, the petitioner, who is the wife of the convict prisoner, has given a representation to the respondents. Pursuant to the said representation, the 2nd respondent has granted 28 days ordinary leave vide impugned order dated 29.09.2025, however with escort. Since the petitioner is poor and could not bear the cost for the escort, the petitioner is before this Court for modification of the said condition alone and to grant ordinary leave for the convict prisoner without escort.

3. When the writ petition is taken up for hearing, the learned Additional Public Prosecutor would submit that since the convict prisoner is convicted and sentenced to imprisonment for life (2 counts), he was granted leave with escort and hence, no interference is warranted to the impugned order.

4. We have considered the rival submissions and perused the materials available on record.



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5. Admittedly, the petitioner's husband/convict was convicted and sentenced for the offence under Section 302 IPC (2 counts). Initially, the trial Court acquitted the petitioner's husband and on appeal, this Court convicted the accused/petitioner's husband and sentenced him to undergo imprisonment for life. Against the judgment of this Court, an SLP is pending before the Hon'ble Supreme Court. Pending appeal, the petitioner's husband is granted leave for 28 days, however, with escort. If the convict is granted leave without escort, it would cause prejudice to the victims. Considering the heinous nature of the offence, the 2nd respondent has rightly granted leave to the convict prisoner with escort and hence, this Court is not inclined to interfere with the impugned order. However, it is to be seen that the prisoner is a Carpenter and the impugned order does not specify under which rule the prisoner was granted leave, ie., either under Rule 16 or under Rule 17 of the Tamil Nadu Suspension of Sentence Rules, 1982.

6. It is pertinent to note here that Rule 16 of the said Rule stipulates that escort costs for prisoners shall be borne by the Government, particularly for those who are unable to pay. This Rule is



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applied when a prisoner is granted leave, such as emergency leave, and requires police protection for their safety, as the State cannot charge them for this essential security.

7. In the present case on hand, when the impugned order is silent on that aspect, ie., the expenses to be borne out for the escort to be escorted for the convict prisoner during the period of emergency/ordinary leave, the expenses for the escort shall be borne out by the Government under Rule 16 of the said Rules.

6. With the above observation, the writ petition is dismissed.

[P.V.,J]

[L.V.G.,J]

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NCC : Yes/No

Index : Yes/No

RR



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Madurai..

3. The Superintendent of Prison,
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5. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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