



W.P(Crl)MD.No.2018 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2025

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.P(Crl)MD.No.2018 of 2025
and
WPMP Crl(MD)No.480 of 2025**

S.Sowmiya

... Petitioner/Wife of the convicted

Vs.

- 1.The State represented by its
Principal Secretary to the Government of Tamil Nadu,
Home Department,
Fort St.George,
Chennai - 600 009.
- 2.The Deputy Inspector General of Prison,
Madurai Range,
Madurai.
- 3.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.



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

5.The Inspector of Police,
Eruvadi Police Station,
Eruvadi,
Tirunelveli District.
(In Crime No.156 of 2012).

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the fourth respondent vide proceedings in No.5128/ThaKu.2/2025, dated 18.09.2025 and quash the same as illegal and consequently direct the respondents to grant emergency leave for 6 days without escort to the petitioner's husband namely Sathish, S/o.Samuthirapandi (LCT No.5128) serving life sentence at Palayamkottai Central Prison and for other reliefs.

For Petitioner : Mr.K.Karnan
for Mr.V.Baskaran

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor



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ORDER

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(Order of the Court was made by **G.K.ILANTHIRAIYAN, J.**)

This Writ Petition has been filed challenging the order passed by the fourth respondent dated 18.09.2025, whereby the request made by the petitioner seeking leave for her husband, namely Sathish, S/o.Samuthirapandi (LCT No.5128), who is confined at the Central Prison, Palayamkottai, Tirunelveli District, was rejected.

2.The petitioner's husband was convicted in S.C.No.272 of 2013 and sentenced to undergo life imprisonment. Apart from that, he is also facing another trial pursuant to the registration of F.I.R in Crime No.125 of 2015 on the file of the Inspector of Police, Thirukurungudi Police Station, Tirunelveli District, which is now pending for trial. His conviction was also confirmed by this Court in Crl.A(MD)No.447 of 2019, dated 20.12.2022. While being so, the petitioner's mother-in-law suffered with certain ailments and as such,



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the petitioner, being the wife of the convict, applied for leave. The said request was rejected on the ground that the petitioner's husband, who is facing trial in another case, is not entitled to any leave.

3.In support of the said ground, the learned Additional Public Prosecutor also relied upon the Judgment of the Full Bench of this Court in W.P(MD)No.9491 of 2024 and etc., batch, dated 24.01.2025 (T.Ramalakshmi Vs. Principal Secretary to Government and others), wherein it is held as follows:

'20.Rule 832 of the Tamil Nadu Prison Rules, 1983 cast a duty and responsibility on the Prison Authorities to produce a prisoner before the Court at the time of trial. This Court unable to comprehend as to how the term "Pending Trial" can be equated to that of an appeal, more particularly when it is not a statutory appeal under the Criminal Code.

21.More so, when a prisoner is remanded by the Court concerned, the Prison Authorities



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cannot exercise their powers to grant leave under the provisions of the Tamil Nadu Suspension of Sentence Rules, 1982. Since the remand prisoner is under judicial custody and the Court has remanded him/her until such time as required under law, the Court alone is empowered to grant bail or leave. Consequently, the Prison Authorities are not empowered to grant parole or leave, as the case may be under the provisions of the Tamil Nadu Suspension of Sentence Rules, 1982.

Scope of Rule 40 of the Tamil Nadu Suspension of Sentence Rules, 1982:

22.Beyond Rules 22 and 35 of the Tamil Nadu Suspension of Sentence Rules, 1982, Rule 40 denotes “Power to Exempt”. Accordingly, the Government may exempt any person from all or any of the provision of these rules. Thus, the Government is empowered to grant exemption from all or any of the provisions of the rules.'

4.That apart, on perusal of the records produced by the petitioner, it is seen that the petitioner's mother-in-law is suffering



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from blood pressure, hypertension and other age-related ailments. However, the medical certificate produced from one GM Hospital is not an authenticated one, that too without the signature of any expert.

5.In view of the above, this Court finds no infirmity or illegality in the order passed by the fourth respondent dated 18.09.2025. The Writ Petition is devoid of merits and is accordingly dismissed. However, the petitioner is at liberty to apply afresh after subjecting her mother-in-law to examination in an authenticated hospital and obtaining a proper medical certificate in accordance with law. Consequently, connected Writ Miscellaneous Petition (Criminal) is closed.

**[G.K.I.J.] & [R.P.J.,]
09.12.2025**

NCC :Yes/No
Index :Yes/No
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- 5.The Inspector of Police,
Eruvadi Police Station,
Eruvadi,
Tirunelveli District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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