



WEB COPY

WP Crl.(MD)No.255



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15-12-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

WP.Crl(MD)No. 2551 of 2025 and WMP.Crl(MD)No.600 of 2025

Sahayapunitha

Petitioner(s)

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 Superintendent of Prison,
Central Prison,
Palayamkottai – 627 007.

4. The Inspector of Police,
Rajakamangalam Police Station,
Kanyakumari District.

Respondent(s)

For Petitioner(s): Mr.P.M.Basil

For Respondent(s): Mr.T.Senthil Kumar, Additional Public Prosecutor

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. 4392/Thaku.2/2025 issued by the 3rd respondent dated 12.08.2025 quash the same and consequently direct the 3rd respondent to grant 3 days emergency leave without escort to the petitioner's husband Babu @ Gopalakrishnan, son of Selvaraj, PID No.159564.



ORDER

(Order of the Court was made by the Hon'ble **G.K.ILANTHIRAIYAN**,



Challenging the order passed by the 3rd respondent dated 12.08.2025, granting 3 days of emergency leave to the petitioner's husband / convict prisoner with escort, this writ petition is filed to quash the same insofar as the escort portion alone.

2. The learned counsel for the petitioner would submit that petitioner's husband was convicted and sentenced to undergo life imprisonment vide judgment in S.C.No.53 of 2012 dated 11.04.2019 and now he is confined at Central Prison, Palayamkottai. He would further submit that since the petitioner's husband seeks leave to visit his ailing mother who has restricted mobility, it would not be conducive for the convict prisoner to go along with the escort. Further, on earlier occasions when the petitioner's husband was granted emergency leave, he surrendered before the prison authorities after the expiry of the leave without any adverse remarks. Therefore, the learned counsel would pray for setting aside the condition in the impugned order with regard to the escort during the leave period alone.

3. The learned Additional Public Prosecutor would oppose for the prayer of the petitioner.

4. Heard both sides.

5. Taking into consideration the fact that on earlier occasions when the petitioner's husband was granted emergency leave, he surrendered before the prison authorities without any adverse remarks, we are inclined to modify the impugned order on the following conditions:



(i) The convict prisoner namely, Babu @ Gopalakrishnan, son Selvaraj, PID No.159564, now detained in the Central Prison, Palalaymkottai, is granted emergency leave for 3 days from 20.12.2025 to 22.12.2025, without escort.

(ii) The convict prisoner shall be released from the Prison at 05.00 p.m on 19.12.2025 and he shall return back to the Prison at 10.00 a.m on 23.12.2025.

(iii) During the leave period, the convict prisoner shall report before the 4th respondent/police every day at 05.30 p.m.

(iv) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual.

6. With the above direction, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.K.ILANTHIRAIYAN J.) (R.POORNIMA J.)
15-12-2025

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Note : Issue order copy on 18.12.2025

To

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 Superintendent of Prison,
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4. The Inspector of Police,
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AND
R. POORNIMA,J.

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