



W.P.CrL.(MD) No.2556 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA

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S.Jayasutha

... Petitioner

-VS-

1. The Deputy Inspector General of Prison
and Correctional Services
Trichy Range, Race Course Road,
Trichy-620 023
2. The Superintendent,
Central Prison
Trichy-620 020
3. The Superintendent of Police
O/o. The Superintendent of Police
Thanjavur District
4. The Inspector of Police
O/o. Thiruvaidaimarudur Police Station
Thanjavur District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records relating to the impugned order passed by the first respondent vide proceedings in No.RO.TRY/351/2025-CA dated 26.08.2025 and quash the same as illegal and consequently direct the first respondent to grant 21 days Ordinary Leave without police escort to the petitioner's brother namely Mahamani, S/o.Mariyappan, Life Convict Prisoner, PID No.35366 confined at Central Prison, Trichy.

For Petitioner : Mr.K.A.S. Prabhu

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

ORDER

[Order of the Court was made by G.K.ILANTHIRAIYAN, J.]

The prayer in the petition is to quash the impugned order passed by the first respondent vide proceedings in No.RO.TRY/351/2025-CA, dated 26.08.2025 and direct the first respondent to grant 21 days ordinary leave without police escort to the petitioner's brother namely Mahamani, S/o.Mariyappan, Life Convict Prisoner, PID No.35366 confined at Central Prison, Trichy.



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2. It is the case of the petitioner that her brother / convict was convicted by the learned II Additional District and Sessions Judge, Thanjavur, by Judgment dated 19.01.2016 in S.C.No.254 of 2014, for the offences under Sections 341 and 302 IPC r/w 34 IPC and he was sentenced to undergo life imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo rigorous imprisonment for three months. Aggrieved over the judgment, the convict has filed an appeal before this Court in CrL.A(MD).No.362 of 2017 and this Court by an order dated 12.06.2018 acquitted the convict prisoner of all charges. Thereafter, the State had filed an appeal before the Hon'ble Supreme Court of India in CrL.A.Nos.1750, 1751 of 2022 and on 14.10.2022, the Hon'ble Supreme Court of India allowed the appeal by confirming the judgment passed by the learned II Additional District and Sessions Judge, Thanjavur. Her brother is in incarceration for the past four years. Further, the mother of the convict is aged about 65 years and she is suffering from old age ailments, such as, blood pressure, diabetic and hypertention. Therefore, the petitioner being sister of the convict submitted a representation seeking ordinary leave for 21 days for her brother and



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it was rejected on the ground that on verification it was found that the mother of the convict is not suffering any of the disease as mentioned in the representation and also there will be a threat to the life of the convict by opponent group and there is a chance for retaliation murder. Further, the convict did not avail any ordinary leave.

3. Learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that the convict prisoner was granted leave with escort since there is a life threat to him.

4. Heard the learned counsel on either side and perused the materials available on record.

5. On perusal of the materials available on record, we find that the petitioner's mother is suffering from high blood pressure. It is also not in dispute that the petitioner's mother is aged about more than 65 years. The convict is languishing in jail for more than 4 years and as such, he is eligible for ordinary leave for a period of 21 days.



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6. In the result,

- (i) The writ petition is allowed.
- (ii) The impugned order dated 26.08.2025, passed by the first respondent, is set aside.
- (iii) The convict prisoner, namely, Mahamani, son of Mariappan, Life Convict Prisoner, PID No.35366 shall be granted ordinary leave for a period of twenty one (21) days from 19.12.2025 to 08.01.2026 without escort.
- (iv) During the said leave period, he shall report before the Inspector of Police, Thiruvudaimarudur Police Station, Thanjavur District, daily at 05.30 p.m., without fail.
- (v) The convict shall be released from the prison on 18.12.2025 at 05.30 p.m., and he shall report back to the prison by 09.01.2026 at 10.30 a.m., without fail.



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(vi) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities.

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

[G.K.I., J.] [R.P., J.]

16.12.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Note: Issue order copy on 17.12.2025.

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5. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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