



W.P.Crl.(MD) No.2714 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.Crl.(MD) No.2714 of 2025

and

WMP.Crl.(MD) No.647 of 2025

Prema

... Petitioner

-VS-

1.The State of Tamilnadu
The Home Secretary
Home Department (Prison)
Secretariat
Fort St George
Chennai 600009.

2.The Deputy Inspector General of Prisons
Madurai Range
Madurai 625001.

3.The Superintendent of Prison
Central Prison
Palayamkottai 627007.



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

..Respondents

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.1277/Thahu.2/2025 issued by the 3rd respondent dated 15.09.2025 quash the same and consequently direct the third respondent to grant three days emergency leave without escort to the petitioner's brother Gopi @ Shagaya Burono, S/o.Francis, PID No.18061.

For Petitioner : Mr.P.M.Basil

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 third respondent vide proceedings in No.1277/Thahu.2/2025 dated 15.09.2025 and direct the third respondent to grant three days emergency leave without escort



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to the petitioner's brother Gopi @ Shagaya Burono, S/o.Francis, PID No.18061.

2. It is the case of the petitioner that his brother was convicted for the offences under Sections 120(b), 449, 392 and 302 of IPC in S.C.No.97 of 2008 by the Additional Sessions Court, Kanyakumari at Nagercoil dated 01.10.2009. Against which the brother of the petitioner also preferred appeal before this Court in CrL.A(MD) No.411 of 2009 and the same was also confirmed by this Court in CrL.A(MD) No.411 of 2009. The petitioner, who is the brother of the convict, submitted an application seeking emergency leave for a period of three days. After considering the request made by the petitioner, the third respondent granted emergency leave to the petitioner's brother with escort.. The petitioner is being a poor family, he could not afford cost for the escorts.

3. In view of the above, the condition imposed in the order dated 15.09.2025 directing the petitioner's brother to go on emergency leave with escort is modified and he shall go on emergency leave without escort. However, the petitioner's brother is directed to comply with the usual conditions imposed by the



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jail authorities and he should also report before the fourth respondent police daily at 05.30 p.m. He shall duly comply with the conditions and return to the prison on expiry of the leave period.

4. Accordingly, the order of the third respondent dated 15.09.2025 is quashed insofar as the ordering escort alone and the Writ Petition is disposed of. Consequently connected miscellaneous petition stands closed.

[G.K.I., J.] [K.R., J.]
19.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

1.The Home Secretary
Home Department (Prison)
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Fort St George
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5. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.



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