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W.P.CrL.(MD) No.2680 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2025

CORAM:

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN
AND
THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY**

**W.P.CrL.(MD) No.2680 of 2025
and
W.M.P(MD)No.634 of 2025**

Pappammal

... Petitioner

-VS-

1.The Deputy Inspector General of Prison,
Office of the Deputy Inspector General of Prison,
Madurai Central Prison Campus,
Madurai-625 016.

2.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records connected with the impugned order No.1253/U.tha.2/2025 dated 12.12.2025 issued by the



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respondents to release the petitioner's son namely Kuttykumar (Life Convict Prisoner No.4846) son of Paramasivam, aged about 46 years, who is now confining at Madurai Central Prison, from the prison on the leave for 30 days without escort by considering petitioner's representation dated 02.12.2025 in accordance with law.

For Petitioner : Mr.T.Karthick

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

ORDER

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

This writ petition has been filed challenging the order passed by the first respondent, dated 12.12.2025, thereby, rejected the request made by the petitioner seeking 30 days Ordinary Leave without police escort.

. 2. The petitioner's son is convicted for the offence punishable under Sections 302 r/w 34 IPC and sentenced him to undergo Life Imprisonment in S.C.No.46 of 2006, dated 26.03.2008, on the file of the I Additional District and



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Sessions Judge, Fast Track Court, Periyakulam. Aggrieved by the said conviction and sentence, the convict has filed an appeal before this Court in CrL.A(MD)No. 215 of 2008 and this dismissed the appeal on 01.02.2010. The petitioner's son is languishing in imprisonment for a period of 13 years and 8 months. While being so, he applied for 30 days Ordinary leave on the ground that the petitioner was advised to undergo cardiac surgery and no one is there to look after her, however, it was rejected on the ground that earlier the petitioner's son was granted ordinary leave and at that time, he failed to surrender before the prison within the stipulated time. Rule 21(i) of the Tamil Nadu Suspension of Sentence Rules, 1982 says that the prisoners who may not report back to the prison after the completion of the leave period is not not entitled for ordinary leave.

3. The learned counsel for the petitioner would submit that the petitioner may be considered for emergency leave of 3 days.

4. Though the petitioner's son is not entitled for ordinary leave since he violated the Rule 21(i) of the Tamil Nadu Suspension of Sentence Rules, 1982, he



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is entitled for emergency leave. Since the petitioner is now advised to go for cardiac surgery, the presence of the convict prisoner is verymuch essential, this Court is inclined to direct the second respondent to grant three (3) days emergency leave to the petitioner's son with one escort.

5. In the result,

- (i) The writ petition is allowed.
- (ii) The impugned order dated 12.12.2025 passed by the first respondent, is set aside.
- (iii) The second respondent is directed to grant three days emergency leave to the petitioner's son namely, Kuttykumar, son of Paramasivam, Life Convict Prisoner No.4846.
- (iv) Necessary escort shall be provided to accompany the convict prisoner.
- (v) The escort charges shall be borne by the petitioner and if necessary, the same shall be adjusted from the



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income earned by the convict prisoner during the imprisonment period.

(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. Consequently, connected miscellaneous petition is 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:

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Office of the Deputy Inspector General of Prison,
Madurai Central Prison Campus,
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- 2.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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G.K.ILANTHIRAIYAN, J.
and
KRISHNAN RAMASAMY, J.

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