



WEB COPY



W.P.Crl.(MD) No.163 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P.Crl.(MD)No.163 of 2026

Muthuduraichi

... Petitioner

-Vs-

1.The Deputy Inspector General of Prison,
Madurai Zone
Madurai Central Prison,
Madurai- 625 016

2.The Superintendent of Prison,
Central Prison
Palayamkottai
Tirunelveli- 627 002

3. The Superintendent of Police
Office of the District Superintendent of Police,
Tenkasi- 627 811

4. The Inspector of Police
Vasudevanallur Police Station
Kottai Street,
Tenkasi District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, directing the second respondent to quash the

Page 1 of 7



W.P.Crl.(MD) No.163 of 2026

order passed by the first respondent in Order No.775/Utha.2/2025 dated 28.08.2025 and consequently direct the respondents to grant ordinary leave for 40 days without escort to the the uncle of the petitioner namely [Ashok @ Ashok Kutty](#) , S/o.Kottaisamy, aged about 38 years , Life convict No.2657, PID No. 102433 detained at Central Prison Palayamkottai.

For Petitioner : Mr.R.Narayanan

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

ORDER

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

The order dated 28.08.2025, passed by the first respondent, rejecting the petitioner's request for grant of ordinary leave, is under challenge in this writ petition.

2. The uncle of the petitioner was convicted in S.C.No.58 of 2012 by the IV Additional District and Sessions Court, Tirunelveli for the offences under Section 302 of IPC and sentenced to under go life imprisonment. Against which the convict has also preferred an appeal before this court in CrI.A(MD) No.57 of 2013 and the same was dismissed by this Court. The petitioner is facing trial in C.C.No.21 of 2020 and C.C. No.222 of 2019 on the file of the learned Judicial Magistrate, Sankarankovil for the offence under Section 379 of IPC. The convict

Page 2 of 7



is in prison for more than 12 years. While being so, the petitioner being sister of the convict submitted representation seeking 40 days ordinary leave to perform the last rites of for the mother of the petitioner. Except convict no other is there conduct the first year death anniversary. On receipt of the same, the first respondent by an order dated 28.08.2025 rejected the request made by the petitioner on the ground that the convict is facing trial in two other cases.

3. The learned counsel appearing for the petitioner submitted that for the past several years the applications submitted for ordinary leave and emergency leave were rejected and it was challenged before this Court and only after the intervention of this Court emergency and ordinary leave were granted to the convict. This time also by citing the very same reason the first respondent rejected the request made by the petitioner seeking leave. In fact the cases pending trial are pertaining to offences punishable under Section 379 of IPC for stolen of goats. Both cases are put up cases pertaining to the year 2018. Though charge sheet has been laid, the fourth respondent has not taken any steps to proceed with the trial. Therefore citing those cases the first respondent rejected the request made by the petitioner seeking ordinary leave.



W.P.Crl.(MD) No.163 of 2026

4. The learned Additional Public Prosecutor, on instructions, submitted that the convict is facing trial in two other cases in C.C.No.21 of 2020 and C.C. No. 222 of 2019 on the file of the learned Judicial Magistrate, Sankarankovil , therefore the convict is not entitled for leave thereby the first respondent has rightly rejected the request made by the petitioner.

5. On perusal of the record reveals that admittedly the convict is facing trial in two cases for the offence under Section 379 of IPC. Apart from that case the convict is also convicted in S.C.No.58 of 2012 for the offence under Sections 397 r/w.302 of IPC. Though earlier applications were rejected which were challenged before this Court and thereafter this Court considering the request made by the petitioner granted emergency leave and ordinary leave.

6. Further it is seen that the mother of the convict died on 05.12.2024 and the convict being the only heir has to perform the first year death anniversary In view of the same, this Court considering the facts and circumstances inclined to grant ten days ordinary leave to the convict without escort.



W.P.Crl.(MD) No.163 of 2026

7. Accordingly, the writ petition is disposed of with the following directions:

- (i) The respondents are directed to grant ten days emergency leave without escort to the convict, namely, namely Ashok @ Ashok Kutty , S/o.Kottaisamy, aged about 38 years , Life convict No.2657, PID No.102433 detained at Central Prison Palayamkottai., from 14.01.2026 to 23.01.2026. The Convict prisoner shall be released from the prison on 14.01.2026 at 9.00 a.m.,
- (ii) He shall report back to the Superintendent of Prison, Palayamkottai/ 2nd respondent, by 23.01.2026 at 6.00 pm.,
- (iii) During the leave period the convict shall report before the fourth respondent daily at 5.30 pm.,
- (iv) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities,
- (v) 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.,]
12.01.2026

NCC : Yes / No

Index : Yes / No

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Note:Issue order copy on 12.01.2026



W.P.Crl.(MD) No.163 of 2026

To

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



W.P.Crl.(MD) No.163 of 2026

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W.P.Crl.(MD)No.163 of 2026

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