



W.P.CrL.(MD) No.259 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21/01/2026

CORAM:

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA**

W.P.CrL.(MD) No.259 of 2026

Vanitha

... Petitioner

-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,
Alangulam Police Station,
Tenkasi District.

... Respondents



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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 Lct.No.4925Raja2026CLNo.1 (No.4925/Thaku.2/2026) issued by the third respondent dated 08.01.2026 quash the same and consequently direct the third respondent to grant 7 days emergency leave without escort to the petitioner's husband Rajasekar @ Raja, S/o.Subramonian, PID No.434739.

For Petitioner : Mr.P.M.Basil

For R1 to R4 : 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 third respondent, dated 08.01.2026, thereby, rejecting the request made by the petitioner seeking 7 days emergency leave to her husband without police escort.

2. The petitioner's husband is convicted for the offence punishable under Sections 341, 148, 302 r/w 34 of IPC and sentenced him to undergo life imprisonment in S.C.No.104 of 2015, on the file of the Additional and Sessions



W.P.CrI.(MD) No.259 of 2026

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Judge, Tenkasi. Aggrieved by the same, the petitioner's husband has filed an appeal before this Court and this Court confirmed the said conviction and sentence by an order dated 27.11.2025. The convict is languishing in imprisonment for more than three years. While being so, the petitioner, in order to attend the Pupertty function of petitioner's daughter scheduled to be held on 19.01.2026 seeks 7 days emergency leave. However, it was rejected on the ground that as per the Prison Rules, there is no provision to grant emergency leave for attending the Pupertty function. Further, the convict is facing other cases also. Therefore, Rule 35 of the Tamil Nadu Suspension of Sentence Act, 1982 does not permit the petitioner's husband to go for emergency leave for attending Pupertty function.

3. The learned counsel for the petitioner submitted that though the Pupertty function scheduled to be held on 19.01.2026, now it is postponed to 24.01.2026.

4. The learned Additional Public Prosecutor appearing for the respondents would submit that as per Rule 35 of the Tamil Nadu Suspension of Sentence Act,



W.P.CrI.(MD) No.259 of 2026

1982 the petitioner's husband is not entitled to emergency leave for attending Pupert function and hence, the third respondent has rightly rejected the request of the petitioner.

5.Taking into consideration the request of the petitioner, this Court is inclined to direct the third respondent to grant three (3) days emergency leave to the petitioner's husband with single escort.

6. In the result,

(i) The writ petition is allowed.

(ii) The impugned order dated 08.01.2026 passed by the third respondent, is set aside.

(iii) The convict prisoner, namely, Rajasekar @ Raja, S/o.Subramonian, PID No.434739 shall be granted emergency leave for a period of three (3) days from 23.01.2026 to 25.01.2026 with escort.

(iv) He shall report back to the Superintendent of Prison, Central Prison, Palayamkottai/third respondent by 10.00 a.m., on 26.01.2026.



W.P.CrI.(MD) No.259 of 2026

WEB COPY

(v) Necessary escort shall be provided to accompany the convict prisoner.

(vi) The escort charges shall be borne by the petitioner and if necessary, the same shall be adjusted from the income earned by the convict prisoner during the imprisonment period.

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

(viii) The convict prisoner shall either execute a bond or deposit a sum of Rs.500/- before the prison authority along with one surety each for a like sum.

(ix) 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.]

21/01/2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Note: Issue Order copy on 22.01.2026

Page 5 of 7



W.P.CrI.(MD) No.259 of 2026

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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,
Central Prison,
Palayamkottai-627 007.
- 4.The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
5. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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and
R. POORNIMA, J.

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