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W.P.Crl.(MD) No.261 of 2026

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.261 of 2026

and

W.M.P.Crl(MD)No.72 of 2026

Rajvel

... 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-632 002.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai-627 007.

4.The Inspector of Police,
Avaniyapuram Police Station,
Madurai 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 No.925/Utha.2/2025 by the second respondent dated 09.09.2025 and quash the same and direct the third respondent to grant 28 days Ordinary Leave without escort to the petitioner's father, prisoner Sakthivel, S/o.Ramaya, PID No.29131, who is currently lodged in Central Prison, Palayamkottai.

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 second respondent, dated 09.09.2025, thereby, rejecting the request made by the petitioner seeking 28 days ordinary leave for his father without police escort.

2. The petitioner's father is convicted for the offence punishable under Sections 342, 302, 294(b), 307 and 506(ii) IPC and sentenced him to undergo life



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imprisonment in S.C.No.157 of 2015, on the file of the IV Additional District and Sessions Judge, Tirunelveli. Aggrieved by the same, the petitioner's father has filed an appeal before this Court in Crl.A(MD)No.542 of 2022 and this Court confirmed the said conviction and sentence by the judgment dated 27.01.2023. The convict is languishing in imprisonment for more than 11 years. While being so, the petitioner, who is the son of the convict, has submitted a representation seeking 28 days ordinary leave, without escort, to his father. However, it was rejected on the ground that the reasons stated in the request made by the petitioner are not genuine as per the Probation Officer report.

3. The learned counsel for the petitioner submitted that though the petitioner's father is languishing in imprisonment for more than 11 years, he had not availed any ordinary leave or emergency leave till date. It is for the first time that the convict is seeking ordinary leave for the reason to partition the family property and also to visit the petitioner's daughter. The petitioner is living separately with his mother and hence, there is no risk at the hands of the convict, if he is granted ordinary leave for 28 days.



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4. The learned Additional Public Prosecutor appearing for the respondents would submit that the reasons stated in the representation filed by the petitioner are not genuine as per the report submitted by the Probation Officer, therefore, the second respondent has rightly rejected the request made by the petitioner. He further submitted that the convict murdered his own son and also attempted to murder his wife, therefore, he was convicted for the offences under Sections 307 and 302 IPC. Further there is a threat at the hands of the convict to his family members.

5. Admittedly, the life convict did not avail any ordinary leave or emergency leave so far, till the completion of 11 years of imprisonment.

6. Taking into consideration the request of the petitioner, this Court is inclined to direct the respondents 2 & 3 to grant 28 days ordinary leave to the petitioner's father without escort.



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7. In the result,

- (i) The writ petition is allowed.
- (ii) The impugned order dated 09.09.2025 passed by the second respondent, is set aside.
- (iii) The convict prisoner namely, Sakthivel, S/o.Ramaya (P.I.D.No.29131), is granted ordinary leave for 28 days, without escort.
- (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 report before the fourth respondent police daily twice at Morning and Evening at 10.30 a.m., and 05.30 p.m.,
- (vi) 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.



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

(viii) During the leave period, he shall stay at petitioner's house and he is not leave from Madurai. Consequently, connected miscellaneous petition is closed.

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

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Madurai Bench of Madras High Court
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R. POORNIMA, J.

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