



W.P.Crl.(MD) No.445 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :29.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA

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... Petitioner

-VS-

1. The Deputy Inspector General of Prisons
O/o. The Deputy Inspector General of Prisons
and Correctional Services Department
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai

2. The Superintendent of Prison
Central Jail,
Madurai

3. The Superintendent of Police
Theni District

4. The Inspector of Police
Kadamalaikundu Police Station
Andipatti,
Theni District

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified mandamus calling for the records of the order passed by the first respondent in No.564/tha.ku.2/2025 dated 19.12.2025 and quash the same as bad in law and further direct the respondents 1 and 2 to grant ordinary



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leave without escort for a period of 28 days to the husband of the petitioner namely Dharmar, S/o.Palsamy Thevar, C.P.No.1524 by considering the representation dated 08.12.2025

For Petitioner : Dr.Lakshmi Prasanna Komara

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 first respondent in No.564/tha.ku.2/2025 dated 19.12.2025 and direct the respondents 1 and 2 to grant ordinary leave without escort for a period of 28 days to the husband of the petitioner namely Dharmar, S/o.Palsamy Thevar, C.P.No.1524 by considering the representation dated 08.12.2025

2. It is the case of the petitioner that her husband was convicted by the Special Court for NDPS Act Cases, Madurai in C.C.No.30 of 2019 and sentenced to undergo ten years rigorous imprisonment for the offence under Section 8(c)r/w.20(b)(ii)(C) of NDPS Act. Aggrieved over the same, the convict has filed an appeal before this Court in Crl.A(MD) No.15 of 2020 and the same was dismissed by this Court. The convict is in imprisonment for more than



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eight years. While being so, the petitioner being the wife of the convict submitted representation seeking 28 days ordinary leave for her husband on the ground that her husband is suffering fracture in both legs and swelling in the left leg. She further submitted that she want to get proper treatment in the private hospital and also to arrange marriage for her daughter. However, it was rejected on the ground that when the accused is convicted under NDPS Act he is not eligible for ordinary leave as contemplated under Section 21 (h)(3) of Tamil Nadu Suspension of Sentence Rules. Since the husband of the petitioner is suffering fracture in both legs he is also taking treatment at jail hospital, therefore this Court finds no infirmity or illegality in the order passed by the first respondent.

3.Hence the Writ Petition(Crl.)stands dismissed. However the petitioner can apply for emergency leave for her husband on valid ground. Further the concerned jail authorities are directed to provide adequate treatment to the convict.

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

29.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Kadamalaikundu Police Station
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5. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.



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