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W.P.CrI.(MD) No.438 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30/01/2026

CORAM:

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

**W.P.CrI.(MD) No.438 of 2026
and
W.M.P.CrI.(MD)No.122 of 2026**

Umagandhi

... Petitioner

-VS-

- 1.The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Home Prohibition and Excise (Prison-IV) Department,
Fort St. George,
Chennai-600 009.
- 2.The Inspector General of Prisons
O/o.Prison Department Headquarters
Whannels Road,
Egmore, Chennai-600 008.
- 3.The Deputy Inspector General of Prisons,
Trichy Range,
Race Course Road,
Trichy-620 023.



W.P.CrI.(MD) No.438 of 2026

WEB COPY

4.The Superintendent of Prisons,
Central Prison,
Trichy-620 020.

5.The Commissioner of Police,
City Police Office,
Pudukkottai Main Road,
Trichy-620 020.

... Respondents

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 impugned order passed by the third respondent vide proceeding in No.RO-TRY/547/2025-CA, dated 16.10.2025 and quash the same as illegal and void, consequently grant 21 days ordinary leave without escort to the petitioner's husband A.K.Subbu @ K.Subramanian, S/o.Krishnasamy (Convict Prisoner No.23386, P.I.D.No.235504) confined at Central Prison, Trichy forthwith considering the representation dated 03.09.2025.

For Petitioner : Mr.C.Karthikeyan

For R1 to R5 : Mr.T.Senthil Kumar
Additional Public Prosecutor



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W.P.CrI.(MD) No.438 of 2026

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 16.10.2025, thereby, rejecting the request made by the petitioner seeking 21 days emergency leave to her husband without police escort.

2. The petitioner's husband is convicted for the offence punishable under Sections 120-B r/w 182, 471, 420 r/w 511 of IPC and sentenced him to undergo five year rigorous imprisonment in C.C.No.1 of 2016, on the file of the Chief Judicial Magistrate, Tiruchirappalli. Aggrieved by the same, the petitioner's husband has filed an appeal before the Mahila Court and the same was confirmed by learned Mahila Judge. Aggrieved over the same, the petitioner's husband filed a Criminal Revision before this Court in CrI.R.C(MD)No.840 of 2023. This Court by an order dated 12.12.2024 partly allowed the revision. While being so, the petitioner, who is the wife of the convict filed an application seeking 21 days ordinary leave for 21 days for her husband on the ground that he is suffering from heart ailments. However, the said request was rejected by the third respondent



W.P.CrI.(MD) No.438 of 2026

on the ground that the convict is also facing four other cases, which are also charged for the same offence. On an earlier occasion also the petitioner's request of seeking ordinary leave was rejected and the same was challenged before this Court in W.P(MD)No.17979 of 2024. This Court by an order dated 14.08.2024 set aside the rejection order and granted leave for 15 days.

4. The learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner's husband is having four other previous cases and on that ground alone the third respondent has rightly rejected the request of the petitioner.

5. Taking into consideration the request of the petitioner and also considering the illness of the convict, this Court is inclined to direct the third respondent to grant 10 days ordinary leave to the petitioner's husband without escort.



W.P.CrI.(MD) No.438 of 2026

WEB COPY

6. In the result,

(i) The writ petition is allowed.

(ii) The impugned order dated 16.10.2025 passed by the third respondent, is set aside.

(iii) The convict prisoner, namely, A.K.Subbu @ K.Subramanian, S/o.Krishnasamy (Convict Prisoner No.23386, P.I.D.No.235504) confined at Central Prison, Trichy shall be granted ordinary leave for a period of 10 days (10 days) from 02.02.2026 to 11.02.2026 without escort.

(iv) He shall report back to the Superintendent of Prison, Central Prison, Trichy by 10.00 a.m., on 12.02.2026.

(v) The convict prisoner shall report before the Inspector of Police, Edamalaipattipudur Police Station, Trichy District daily at 05.00 p.m., during the leave period.

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



W.P.CrI.(MD) No.438 of 2026

WEB COPY

(vii) 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.

(viii) 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.]

30/01/2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Note: Issue Order copy on 30.01.2026



W.P.CrI.(MD) No.438 of 2026

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To:

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- 6.The Inspector of Police,
Edamalaipattipudur,
Trichy District.
7. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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W.P.Crl.(MD) No.438 of 2026

G.K.ILANTHIRAIYAN, J.
and
R. POORNIMA, J.

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