



W.P.Crl.(MD) No.462 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**

**W.P.Crl.(MD) No.462 of 2026
and
WMP.Crl.(MD)No.127 of 2026**

Dhanalakshmi

... Petitioner

-VS-

The State of Tamil Nadu Rep. by its

**1. The Principal Secretary to Government
Home, Prohibition and Excise Department,
Fort St.George,
Chennai- 600 009**

**2. The Director General of Prisons and Correctional Services
O/o.Tamil Nadu Prisons Headquarters
Whannels Road,
Egmore, Chennai- 600 008.**

**3. The Deputy Inspector General of Prisons
Trichy Range,
Race Course Road,
Trichy- 620 023**

**4. The Superintendent of Prison
Central Prison
Trichy- 620 020**



W.P.Crl.(MD) No.462 of 2026

5. The Inspector of Police
Perambalur Town Police Station
Perambalur

..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 his proceedings in No.RO-TRY/560/2025 dated 09.11.2025 and quash the same as void and illegal and consequently grant 28 days ordinary leave without police escort to the petitioner's husband namely Senthilmurugan,, S/o.Subbiah (convict Prisoner No.16321,PID No.37119) confined at Central Prison, Tiruchirapalli forthwith considering the petitioner's representation dated 03.09.2025.

For Petitioner : Mr.C.Karthikeyan

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 third respondent vide his proceedings in No.RO-TRY/560/2025 dated 09.11.2025 and consequently grant 28 days ordinary leave without police escort to the petitioner's husband namely Senthilmurugan,, S/o.Subbiah (convict Prisoner No.16321,PID No.37119) confined at Central Prison, Tiruchirapalli forthwith considering the petitioner's representation dated 03.09.2025.



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2. The petitioner is the wife of the convict. Her husband was convicted by the learned Principal Sessions Judge, Perambalur for the offences under Sections 120(b), 341 and 302 of IPC in S.C.No.4 of 2005 and sentenced to undergo life imprisonment. Aggrieved over the same, the convict preferred an appeal before this Court in C.A.No.99 of 2008, wherein the judgment of the trial Court was confirmed. The husband of the petitioner is languishing in jail for more than 13 years. While being so, the petitioner being wife of the convict applied for ordinary leave for her husband, however it was rejected on the ground that the husband of the petitioner already absconded while he was granted ordinary leave and thereafter he was secured and confined to the Central Prison, therefore Rule 21(d)(5) of the Tamil Nadu Suspension of Sentence Rules, 1982 does not provide to grant ordinary leave.

3. The learned counsel appearing for the petitioner would submit the the convicted absconded 10 years before and thereafter the convict was granted emergency leave on twenty eight occasions and ordinary leave on two occasions and that too by the order of this Court. When an earlier application was rejected seeking ordinary leave for a period of 40 days which was challenged before this Court in WP(MD) No.20720 of 2023 and this Court by



W.P.Crl.(MD) No.462 of 2026

an order dated 08.09.2023 considering the fact this Court has granted 40 days ordinary leave. Once again the petitioner applied for 28 days ordinary leave for her husband and the same was also rejected by the order dated 02.09.2024, which was also challenged before this Court in WP(MD) No.21688 of 2024 and this Court by an order dated 11.09.2024 set aside the rejection order and granted 28 days ordinary leave by citing earlier order of this Court in WP(MD) No.20720 of 2023.

4. Now also the third respondent rejected the petitioner's application seeking 28 days ordinary leave on the very same ground that the husband of the petitioner did not return back to prison even after completion of leave period. Further Rule 21(d)(5) of the Tamil Nadu Suspension of Sentence Rules, 1982 does not permit leave to the accused who did not return back to the prison even after completion of leave, therefore the husband of the petitioner is not eligible for ordinary leave.

5. However the petitioner pointed that in the communication dated 09.11.2025 the Inspector of Police, Perambalur Police Station submitted report that the convict was earlier granted emergency leave on 28 occasions and ordinary leave on two occasions and during the leave period he reported before



W.P.Crl.(MD) No.462 of 2026

the concerned police and he has not committed any offence during the leave period.

6. In view of the same the order passed by the third respondent cannot be sustained and the same is liable to be set aside and the husband of the petitioner is granted 28 days ordinary leave without escort

7. Accordingly, the impugned order passed by the third respondent is set aside and writ petition is disposed of with the following directions:

- (i) The respondents are directed to grant twenty eight days ordinary leave without escort to the convict prisoner namely, Senthil Murugan, S/o.Subbiah, (Convict Prisoner No.16321, PID No.37119) confined at Central Prison, Trichy from 02.02.2026 to 01.03.2026. The convict prisoner shall be released from the prison on 02.02.2026 at 9.00 am.,
- (ii) He shall report back to the Superintendent of Prison, Central Jail, Trichy / fourth respondent, by 01.03.2026 at 6.00pm.,



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W.P.Crl.(MD) No.462 of 2026

- (iii) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities,
- (iv) During leave period the convict shall report before the fifth respondent daily at 5.30 pm., without fail.
- (iv) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual. Consequently connected miscellaneous petition stands closed.

[G.K.I., J.] [R.P., J.]
29.01.2026

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

To:

1. The Principal Secretary to Government
Home, Prohibition and Excise Department,
Fort St.George,
Chennai- 600 009

2. The Director General of Prisons and Correctional Services
O/o.Tamil Nadu Prisons Headquarters
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W.P.Crl.(MD) No.462 of 2026

3. The Deputy Inspector General of Prisons
Trichy Range,
Race Course Road,
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4. The Superintendent of Prison
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5. The Inspector of Police
Perambalur Town Police Station
Perambalur

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



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W.P.Crl.(MD) No.462 of 2026

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