



W.P.Crl..(MD).No.1518 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2026

CORAM

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
AND
THE HONOURABLE MR.JUSTICE K.K.RAMKRISHNAN**

W.P.Crl.(MD).No.1518 of 2026

Sajitha

Vs.

..... Petitioner

- 1.The Inspector General of Prisons,
Office of the Inspector
General of Prisons,
C.M.D.A. Towers II,
No.1, Gandhi Irvin Road,
Egmore, Chennai-8.
- 2.The Inspector General of Prison
and Correctional Services,
Office of the Deputy Inspector General of
Prison and Correctional Service, Kerala,
Thiruvananthapuram
Central Prison.
- 3.The Superintendent of Prison,
Thiruvananthapuram Central Prison, Poojapura,
Thiruvananthapuram, State of Kerala.



W.P.CRL..(MD).No.1518 of 2026

4.The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvananthapuram, State of Kerala.

5.The Inspector of Police,
Kollancodu Police Station,
Kanniyakumari District.

6.The Inspector of Police,
Pozhiyoor Police Station,
Thiruvananthapuram District,
the State of Kerala.

..... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to release the petitioner's brother, by name Sathish (Life Convict Prisoner No. 3326), son of Francis, aged about 39 years, who is now confining at Poojapura Central prison at Thiruvananthapuram from the prison on the ordinary leave for 40 days without escort for attend and assist the petitioner's mother's 41st death ceremony and arrange money for that ceremony and house repaid work by considering the petitioner's representation dated 18.02.2026 in accordance with law.

For Petitioner : Mr.R.Prakash

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor



W.P.CRL..(MD).No.1518 of 2026

ORDER

[Order of the Court was made by N.ANAND VENKATESH, J.]

This writ petition has been filed for issuance of writ of Mandamus directing the respondents for grant of ordinary leave to the detenu, who is confined at Poojapura Central Prison at Thiruvananthapuram.

2. When the writ petition came up for hearing on 17.03.2026, this Court took into consideration the fact that the detenu was sentenced to life imprisonment by a judgment passed in S.C.No.141 of 2007 dated 21.04.2009 by the Sessions Court, Nagercoil, Kanyakumari and the conviction and sentence was thereafter confirmed by this Court in Crl.A. (MD).No.124 of 2009 dated 06.07.2010 and this judgment has become final. This Court also took into consideration the fact that the detenu was confined at Palayamkottai Central Prison and thereafter, was transferred to Central Prison, Poojapura, Thiruvananthapuram in the State of Kerala. In view of the same, this Court directed the learned Additional Public Prosecutor to take instructions as to whether the Tamil Nadu Suspension of Sentence Rules, 1982, can be made applicable to the detenu.



W.P.CRL..(MD).No.1518 of 2026

3. When the matter was taken up for hearing, the learned Additional Public Prosecutor produced the proceedings of the Superintendent of Prisons, Poojapura Prison, Thiruvananthapuram. It is seen that the request seeking for emergency leave has been rejected. The petitioner has also been informed that the detenu will be eligible to apply for 15 days ordinary leave on 09.05.2026 or 30 days of ordinary leave on 09.08.2026. The learned Additional Public Prosecutor also produced the written instructions received from the Superintendent of Prisons, Poojapura.

4. Heard the learned counsel on either side.

5. The learned counsel appearing for the petitioner placed reliance upon Rule 39 of the Rules and raised a ground that the respondents are entitled to grant ordinary leave to the detenu.

6. In our considered view, once the detenu has been transferred to the Poojapura Prison, Thiruvananthapuram under the Transfer of Prisoners Act, 1950, the detenu gets into the jurisdiction of the Rules that governs the concerned prison and the Tamil Suspension of Sentence Rules, 1982 cannot be made applicable.



W.P.CRI..(MD).No.1518 of 2026

WEB COPY

7. In view of the above, if the petitioner is aggrieved by the decision taken by the Superintendent of Prisons, Poojapura Central Prison, Thiruvananthapuram dated 26.02.2026, it is left open to the petitioner to work out his remedy in accordance with law. In the alternative, it is always left open to the petitioner to seek for ordinary leave as was indicated in the said Rules.

8. This Writ Petition (Criminal) is disposed of in the above terms.
the above directions.

[N.A.V., J.] & [K.K.R.K., J.]
23.03.2026

NCC : Yes / No
Index : Yes / No
TSG

Copy to
1.The Inspector General of Prisons,
Office of the Inspector
General of Prisons,
C.M.D.A. Towers II,
No.1, Gandhi Irvin Road,
Egmore, Chennai-8.



W.P.CRL..(MD).No.1518 of 2026

WEB COPY

- 2.The Inspector General of Prison
and Correctional Services,
Office of the Deputy Inspector General of
Prison and Correctional Service, Kerala,
Thiruvananthapuram
Central Prison.
- 3.The Superintendent of Prison,
Thiruvananthapuram Central Prison, Poojapura,
Thiruvananthapuram, State of Kerala.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvananthapuram, State of Kerala.
- 5.The Inspector of Police,
Kollancodu Police Station,
Kanniyakumari District.
- 6.The Inspector of Police,
Pozhiyoor Police Station,
Thiruvananthapuram District,
the State of Kerala.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P.Crl.(MD).No.1518 of 2026

N.ANAND VENKATESH , J.
AND
K.K.RAMKRISHNAN, J.

TSG

W.P.Crl.(MD).No.1518 of 2026

23.03.2026