



W.P.Crl..(MD).No.1633 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2026

CORAM

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

W.P.Crl.(MD).No.1633 of 2026

Manickam

..... Petitioner

Vs.

1.The Principal Secretary to the Government,
o/o. The Principal Secretary to the Government,
Home (Prison-IV) Department,
Secretariat,
St.George Fort, Chennai.

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

3.The Superintendent of Prison,
Central Jail, Palayamkottai,
Tirunelveli District.

4.The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.

..... Respondents



W.P.CRL..(MD).No.1633 of 2026

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Prayer : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, directing the respondent No. 1 to extend 40 days parole leave already granted to the petitioner's husband, Nadarajan, s/o. Perumal Pandi (C.P.No.LCT 1154), for a further period of two months without escort, in exercise of the powers under Rule 40 of the Tamil Nadu Suspension of Sentence Rules until the Government passes final orders on the petitioner's representation dated 02.03.2026 seeking premature release, which is presently under consideration pursuant to the directions issued by the Madras High Court in W.P.(CRL). (MD).No.1929 of 2025 since the Advisory Board failed to consider the petitioner's husband premature release in view of pending criminal case in Crime No.17 of 2023 on the file of the fourth respondent Police Station despite the petitioner's husband acquitted in above criminal case in effect of which petitioner's husband premature release kept pending till date.

For Petitioner : Mr.SMA.Jinnah

For Respondents : Mr.T.Lenin Kumar,

Counsel for the State of Tamil Nadu
(Criminal Side)



W.P.CRL.(MD).No.1633 of 2026

ORDER

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

This writ petition has been filed for a direction to the first respondent to extend the ordinary leave already granted to the convict for 40 days without escort to the convict until the State Government passes a final order in the representation made by the petitioner seeking for premature release of her husband, who is a life convict, undergoing sentence at Cental Prison, Palayamkottai.

2. When the writ petition came up for hearing on 25.03.2026, this Court passed the following order:

“The Writ Petition has been filed seeking a direction to the first respondent to extend the ordinary leave already granted to the petitioner's husband for a further period of two months without escort.

2. It is seen from the records that the detenue has already availed 40 days of ordinary leave, to which he is entitled under the relevant rules. A representation has already been made seeking premature release, and this Court, by order dated 01.12.2025 in W.P.Crl.(MD) No.1929



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W.P.CRL.(MD).No.1633 of 2026

of 2025, directed the first respondent to take a decision on the premature release within a period of 12 weeks.

3. In our considered view, the detainee is entitled to leave only as provided under the rules, and pending consideration of premature release, this Court cannot extend the leave, as it would amount to granting interim bail to the detainee. The Division Bench of this Court has already dealt with this issue in W.P.Nos.30216 of 2024, etc. batch, dated 19.11.2025, and made it clear that this Court does not have the jurisdiction to pass such orders.

4. In view of the above, the learned Additional Public Prosecutor shall take instructions from the respondents as to the stage of consideration of the premature release, pursuant to the earlier order passed in W.P.Crl.(MD) No.1929 of 2025, dated 01.12.2025.

5. Post this case on 15.04.2026.”

3. Pursuant to the above order, the matter was taken up for hearing on 15.04.2026 and the following order came to be passed by this Court.



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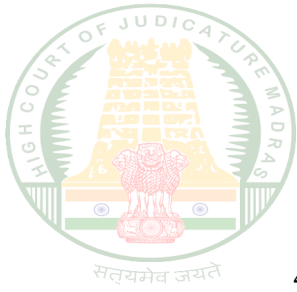


W.P.CRL..(MD).No.1633 of 2026

“When the matter was taken up for hearing today, the instructions from the Additional Chief Secretary to Government, dated 10.04.2026, was placed before this Court. The relevant portion is extracted hereunder:

“3. In the above circumstances, I am to inform that the proposal of the concerned Superintendent of Prisons in Form-1 along with relevant reports and supporting documents as prescribed in G.O.(Ms).No.12, Home (Prison-IVA) Department, dated 10.01.2025 pertaining to premature release of the above Life Convict Prisoner as per Tamil Nadu Prison Rules, 2024 has been called for from the Director General of Prisons and Correctional Services and upon receipt of the same, the opinion of the Presiding Judge of the Trial Court concerned will be obtained in this regard and subsequent action will be taken to place his case before the State Level Committee and after considering the recommendation of the Committee, appropriate orders will be issued at the earliest.”

2. Registry is directed to post this case on 11.06.2026.”



W.P.CRI..(MD).No.1633 of 2026

WEB COPY

4. When the matter was taken up for hearing today, it is brought to the notice of this Court that the Trial Court has already submitted a report to the Government with regard to the premature release sought for by the petitioner.

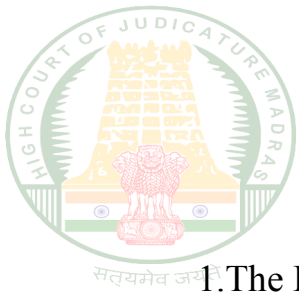
5. In the light of the above development, since all the reports have been received by the first respondent, there shall be a direction to the first respondent to deal with the representation made by the petitioner dated 02.03.2026 in accordance with G.O.(MS).No.596, dated 24.11.2023 and Rule 341 of the Tamil Nadu Prison Rules, 1983, under the Advisory Board Scheme and take a decision within a period of eight weeks from the date of receipt of a copy of this order.

6. This Writ Petition (Criminal) is disposed in the above terms.

[N.A.V., J.] & [K.K.R.K., J.]
22.06.2026

NCC : Yes / No
Index : Yes / No
TSG

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W.P.CRL..(MD).No.1633 of 2026

WEB COPY

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o/o. The Principal Secretary to the Government,
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- 2.The Inspector General of Prison,
O/o. The Inspector General of Prison,
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- 3.The Superintendent of Prison,
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- 4.The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P.Crl.(MD).No.1633 of 2026

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

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W.P.Crl.(MD).No.1633 of 2026

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