



W.P.CRL.(MD) No.1758 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.04.2026

CORAM

**THE HON'BLE MR JUSTICE N. ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

W.P.Crl.(MD)No.1758 of 2026

Thulasi

... Petitioner

Vs.

1.The Home Secretary,
Home Department (Prison),
Secretariat,
Fort St.George,
Chennai-600 009.

2.The Deputy Inspector General of Prisons,
Madurai Range,
Madurai-625 001.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai-627 007.

4.The Inspector of Police,
Madagupatti Police Station,
Sivagangai District.

..... 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



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proceedings in No/275/Utha.2/2026/(RO.MDU/275/2026-G2) by the second respondent dated 17.03.2026 and quash the same and direct the third respondent to grant 28 days ordinary leave without escort to the petitioner's husband, prisoner Selvam @ Arul Pandian, S/o Krishnan, aged 35, PID No. 134658, who is currently lodged in Central Prison, Palayamkottai.

For Petitioner : Mr.P.M.Basil

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

ORDER

(Order of the Court was made by N. ANAND VENKATESH,J.)

This writ petition has been filed challenging the proceedings of the second respondent made in No/275/Utha.2/2026/(RO.MDU/275/2026-G2) dated 17.03.2026 and for a direction to the third respondent to grant 28 days ordinary leave to the petitioner's husband without escort.

2. The petitioner's husband was convicted for the offence under Sections 366 (A) and 352 IPC and under Section 10 read with 9(g) of the POCSO Act and was sentenced to undergo life imprisonment. He is serving sentence at Central Jail, Palayamkottai.



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3. The petitioner submitted a representation before the second respondent seeking for ordinary leave and the same came to be rejected through the impugned proceedings dated 17.03.2026. Aggrieved by the same, the present writ petition has been filed.

4. The second respondent has filed a counter affidavit. On carefully going through the counter-affidavit, it is seen that three cases are pending against the petitioner's husband and all these cases arise out of offences committed inside the jail. The first case is now pending in STC.No.348 of 2023 on the file of the learned Judicial Magistrate No.I, Tirunelveli, for the offence under Sections 42 and 45 of the Prison Act. The second case is pending in STC.No.5289 of 2025 before the learned Judicial Magistrate No.I, Tirunelveli for the offence under Section 45 of the Prison Act and Section 20(b)(ii)(a) of the NDPS Act. The third case ended in conviction based on the order passed by the VI Additional District and Sessions Court, Madurai on 10.04.2026.



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5. In the light of the above conduct and behaviour on the part of the petitioner's husband, the second respondent through the impugned proceedings dated 17.03.2026, rejected the claim made citing the ineligibility under Rule 35 of the Tamil Nadu Suspension of Sentence Rules 1982. Accordingly, the respondents have sought for dismissal of this petition.

6. This Court carefully considered the submissions made on either side and the materials available on record.

7. In the case in hand, the convict was punished for the offence under the POCSO Act and other IPC offences. When he was serving sentence, he has indulged in committing three offences inside the jail, out of which one of the offence is under the NDPS Act and one case ended in conviction. Therefore, considering the conduct and behaviour on the part of the convict, the second respondent has rejected the request made by the petitioner seeking for ordinary leave.



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8. We do not find any ground to interfere with the decision taken by the second respondent and taking note of Rule 35 of the Tamil Nadu Suspension of Sentence Rules, 1982, which creates a bar for granting leave where there are pending cases and more particularly, considering the fact that all the three cases pertain to the offence committed inside the jail, we are not inclined to interfere with the order passed by the second respondent and accordingly, this Writ Petition (Criminal) stands dismissed.

[N.A.V.,J.] [K.K.R.K.,J.]
15.04.2026

Index : Yes / No
Internet : Yes / No
TSG



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Sivagangai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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AND
K.K.RAMAKRISHNAN,J.**

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