



W.P.CRL.(MD) No.2749 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.06.2026

CORAM

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

W.P.Crl.(MD)No.2749 of 2026

Suresh @ Sathiyaraj

... Petitioner / Life Convict
Vs.

1.The Deputy Inspector General of Prisons
and Correctional Services,
Trichy Range, Race Course Road,
Trichy - 620 023.

2.The Superintendent of Prison,
Central Prison,
Trichy - 620 020.

3.The Superintendent of Police,
O/o. the Superintendent of Police,
Thanjavur District.

4.The Inspector of Police,
Madukkur Police Station,
Thanjavur District.

..... Respondents



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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 first respondent vide proceedings in No.RO/TRY/188/2026-CA dated 07.04.2026 and quash the same as illegal and Consequently direct the first respondent to grant 40 days ordinary leave without police escort to the petitioner, namely, Suresh @ Sathiyaraj, s/o. Vadivel, aged about 36 years, life convict, PID No.608 confined at Central Prison, Trichy.

For Petitioner : Mr.K.A.S.Prabhu
For Respondents : Mr.T.Lenin Kumar,
Counsel for the State of Tamil
Nadu (Criminal Side)

ORDER

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

This writ petition has been filed challenging the proceedings of the first respondent made in No.RO/TRY/188/2026-CA dated 07.04.2026 and for a direction to the first respondent to grant 40 days ordinary leave without police escort to the petitioner, who is presently serving sentence at Central Prison, Trichy.



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2. Heard the learned counsel on either side.

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3. The petitioner is a life convict, who is presently serving sentence at Central Prison, Trichy. The petitioner submitted a representation seeking for 40 days ordinary leave on the ground that his father was suffering from heart ailments and he required the physical and emotional support of the petitioner. The representation made by the petitioner came to be rejected by the first respondent through the impugned proceedings dated 07.04.2026 on the ground that the petitioner was convicted for offence under Section 394 r/w 397 of IPC and therefore, there is a bar under Rule 21(b) of the Tamil Nadu Suspension of Sentence Rules, 1982 for granting ordinary leave. Aggrieved by the same, the present writ petition has been filed before this Court.

4. A counter-affidavit has been filed by the second respondent and the second respondent has reiterated the same ground that has been taken in the impugned order for rejecting the ordinary leave sought for by the petitioner.

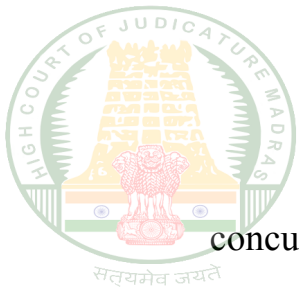


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5. We have carefully considered the submissions made on either side and the materials available on record.

6. The learned counsel for the State of Tamil Nadu (Criminal Side) submitted that there is a specific bar under Rule 21(b) of the Tamil Nadu Suspension of Sentence Rules, 1982 for grant of ordinary leave where a convict has been punished for offence under Section 394 r/w 397 of IPC. The learned counsel in order to substantiate his submissions relied upon the judgment of this Court in W.P.CRL.(MD).No.1752 of 2026 etc., cases dated 28.04.2026 in the case of ***Rajammal and Others Vs. The Deputy Inspector General of Prisons, Prisons and Correctional Services Department, Madurai Range, Madurai and Others.***

7. Per contra, the learned counsel appearing for the petitioner submitted that the petitioner was convicted for offence under Sections 449, 302 and 394 r/w 397 of IPC and sentence was ordered to run concurrently. Insofar as offence under Section 394 r/w 397 of IPC is concerned, the petitioner was sentenced to undergo seven years Rigorous Imprisonment. The learned counsel submitted that since the sentence was ordered to run



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concurrently, seven years imprisonment insofar as offence under Section 394 r/w 397 is concerned, is already complete. Therefore, the respondents cannot invoke Rule 21(b) of the Tamil Nadu Suspension of Sentence Rules 1982 to deny the ordinary leave sought for by the petitioner.

8. The learned counsel in order to substantiate his submissions relied upon the judgment of this Court in H.C.P.No.1679 of 2019 dated 16.08.2019 and the relevant portion relied upon is extracted hereunder:

“2. The learned Additional Public Prosecutor based on the counter affidavit filed submitted that there is a statutory bar as Rule 21 of the Tamil Nadu Suspension of Sentence Rules, prohibits consideration for granting ordinary leave. He further submitted that the convict had already availed sufficient emergency leave over the years.

3. We do not find any reason to decline the relief sought for, especially, when the reason for ordinary leave is not in dispute. We have already dealt with the Rule 21 of the Tamil Nadu Suspension of Rules in a similar case. The said rule will not stand in the way either for premature release or for granting ordinary leave, when the sentence imposed for the offence under Section 392 read with 397 of IPC is already over. The petitioner has been under incarceration from



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23.06.2005 onwards and the sentences will have to run concurrently. In such view of the matter, we are inclined to grant leave for two weeks subject to the usual conditions, however, without escorts.”

9. It is quite apparent that the petitioner was convicted for offence under Sections 449, 302 and 394 r/w 397 of IPC and insofar as the conviction under Section 394 r/w 397 of IPC is concerned, the petitioner was sentenced to undergo seven years Rigorous Imprisonment. The life imprisonment was imposed for offence under Section 302 of IPC. The trial Court as well this Court had ordered that the sentence will run concurrently. It is brought to our notice that the petitioner has already suffered sentence for 14 years and 22 days as on 31.12.2025. This means that insofar as offence under Section 449 and 394 r/w 397 of IPC is concerned, the petitioner has already undergone the sentence. What remains is the life sentence that was imposed against the convict for offence under Section 302 of IPC. In view of the same, by placing reliance upon the earlier order passed in H.C.P.No.1678 of 2019 dated 16.08.2019, we are of the view that the bar contained under Rule 21(b) of the Tamil Nadu Suspension of Sentence Rules, 1982 cannot be put against the convict. Technically



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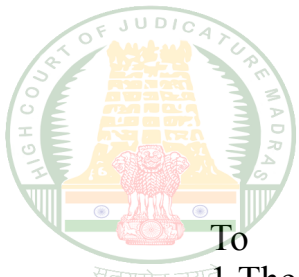
speaking, the petitioner is presently undergoing the sentence only for offence under Section 302 of IPC and he has already undergone for all the other offences.

10. In the light of the above discussion, the impugned proceedings of the first respondent vide proceedings in No.RO/TRY/188/2026-CA dated 07.04.2026 is hereby set aside There shall be a direction to the first respondent to grant 28 days ordinary leave to the petitioner subject to the condition that the petitioner will report before the fourth respondent daily at 05.00 p.m., during the entire ordinary leave period and the sureties will be furnished by the petitioner before the Jail authorities.

11. This Writ Petition (Criminal) stands disposed of in the above terms.

[N.A.V.,J.] [K.K.R.K.,J.]
10.06.2026

Index : Yes / No
Internet : Yes / No
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To

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Madukkur Police Station,
Thanjavur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
K.K.RAMAKRISHNAN,J.**

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