



W.P.Crl..(MD).No.2916 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2026

CORAM

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

W.P.Crl.(MD).No.2916 of 2026

Sankar

..... Petitioner

Vs.

**1.The Deputy Director 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,
Tiruvarur District.**

**4.The Inspector of Police,
Eravanchery Police Station,
Tiruvarur District.**

..... Respondents



W.P.CRI..(MD).No.2916 of 2026

WEB COPY

Prayer : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent vide proceedings in No. RO/TRY/280/2026-CA dated 21.05.2026 and quash the same as illegal and consequently direct the first respondent to grant 28 days ordinary leave without police escort to the petitioner namely Sankar, s/o. Ramaiah, aged about 56 years, life convict, PID No.240690 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 impugned proceedings of the first respondent made in No. RO/TRY/280/2026-CA dated 21.05.2026 and for a direction to the first respondent to grant 28 days ordinary leave without police escort to the petitioner, who is a life convict, presently serving sentence at Central Prison, Trichirappalli.



W.P.CRL.(MD).No.2916 of 2026

WEB COPY

2. The petitioner is a life convict, who is serving sentence at Central Prison, Trichirappalli. He was convicted and sentenced by the trial Court in the following manner:

Offence	Sentence
307 IPC	Five years rigorous imprisonment and to pay a fine of Rs.1000/- in-default to undergo six months rigorous imprisonment
324 IPC	Six months rigorous imprisonment
302 IPC	Life imprisonment and to pay a fine of Rs. 1000/- in-default to undergo one year rigorous imprisonment
Section 3 of the Explosive Act, 1908	Ten years rigorous imprisonment and to pay a fine of Rs.1000/- in-default to undergo one year rigorous imprisonment

The judgment of the trial Court was confirmed by this Court in Crl.A.(MD).No.769 of 2015 dated 22.08.2016.

3. A representation was made by the petitioner seeking for 28 days ordinary leave on the ground that his parents are suffering from old age ailments and they required the physical and emotional support of the petitioner. Apart from that, the petitioner must also make financial arrangements for repairing the house.



W.P.CRL..(MD).No.2916 of 2026

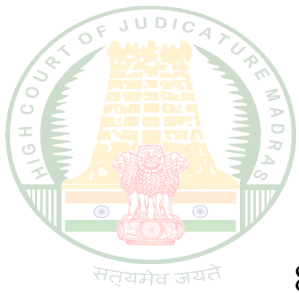
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4. The first respondent through the impugned proceedings dated 21.05.2026, rejected the representation on the ground that since the petitioner was convicted for offence under Section 3 of the Explosive Substances Act, there is a bar under Rule 21(h)(1) of the Tamil Nadu Suspension of Sentence Rules, 1982. It is under these circumstances, the present writ petition has been filed before this Court.

5. A counter-affidavit has been filed by the second respondent and the second respondent has reiterated the very same ground on which the representation made by the petitioner was rejected through the impugned proceedings dated 21.05.2026.

6. Heard the learned counsel on either side.

7. The learned counsel for the State of Tamil Nadu (Criminal Side) on instructions submitted that the petitioner till date has undergone sentence of 10 years, 6 months and 24 days.



W.P.CRL.(MD).No.2916 of 2026

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8. The issue that is involved in the present case is squarely covered by the earlier order passed by this Court in W.P(CRL).(MD).No.2749 of 2026 dated 10.06.2026. The relevant portions in the said order are extracted hereunder:

“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 ears.

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



WEB COPY



W.P.CRL..(MD).No.2916 of 2026

sentence imposed for the offence under Section 392 read with 397 of IPC is already over. The petitioner has been under incarceration from 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



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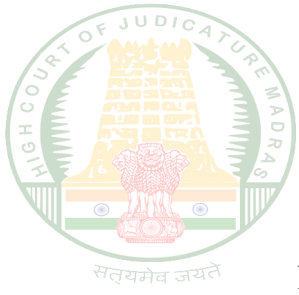


W.P.CRL.(MD).No.2916 of 2026

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 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.”

9. In the case in hand insofar as the sentence for conviction under Section 3 of the Explosive Substances Act, 1908, is concerned, convict has already undergone the sentence.

10. In view of the same, the impugned proceedings of the first respondent made in No. RO/TRY/280/2026-CA dated 21.05.2026 is hereby quashed. There shall be a direction to the first respondent to grant 28 days ordinary leave subject to the condition that the petitioner will report before the fourth respondent daily at 05.00 p.m., during the entire period of ordinary leave. The sureties will be furnished by the convict before the jail authorities.



W.P.CRI..(MD).No.2916 of 2026

11. This writ petition (Criminal) is disposed of in the above terms.

WEB COPY

[N.A.V., J.] & [K.K.R.K., J.]
24.06.2026

NCC : Yes / No
Index : Yes / No
TSG

Copy to

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O/o. the Superintendent of Police,
Tiruvarur District.
- 4.The Inspector of Police,
Eravanchery Police Station,
Tiruvarur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P.Crl.(MD).No.2916 of 2026

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