

W.P.CRL.(MD).No.3009 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2026

CORAM

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

W.P.Crl.(MD) No.3009 of 2026

Amsavalli

Vs.

..... Petitioner

1.The Deputy Inspector General of Prison,
Office of the Deputy Inspector General of Prison,
Trichy Central Prison Campus,
Trichy - 620020.

2.The Superintendent of Prison,
Trichy Central Prison, Trichy District.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Perambalur District.

4.The Inspector of Police,
Sencheri Police Station,
Perambalur District.

..... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records connected with the impugned order No.RO.TRY/421/2025-CA dated 23.12.2025 issued by the respondent No.1 and quash the same as illegal,



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consequently to direct the respondent to release the petitioner's husband namely Arumugam (life convict Prisoner No.22479), S/o.Sivasami, aged about 40 years, who is now confining at Trichy Central Prison, from the prison on the leave for 28 days without escort in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Prakash
For Respondents : Mr.T.Lenin Kumar
Counsel for State of TN (Crl.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/421/2025-CA, dated 23.12.2025 and for a direction to the respondents to grant 28 days ordinary leave to the petitioner's husband, who is presently serving his sentence at Central Prison, Trichy.

2. Heard the learned counsel for the petitioner and the learned Counsel for State of TN (Crl.Side) appearing on behalf of the respondents.

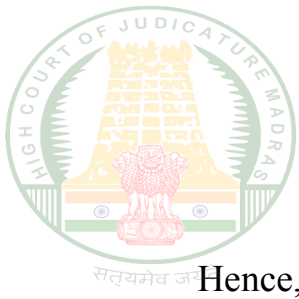


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3. The petitioner's husband is a life convict, who is presently undergoing sentence at Central Prison, Tiruchirappalli. The petitioner made a representation seeking 28 days ordinary leave on the ground that her husband is suffering from an eye ailment and requires better treatment and apart from that, he must also make some financial arrangements for the renovation of the house and for the marriage of his son. The representation made by the petitioner came to be rejected by the first respondent through the impugned proceedings dated 23.12.2025 on the ground that the convict was convicted for the offence under Section 392 of IPC and that there is a bar under Rule 21 of the Tamil Nadu Suspension of Sentence Rules, 1982, to grant ordinary leave. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. The learned Counsel for State of TN (Crl.Side) submitted that the convict has undergone sentence of 11 years, 1 month and 9 days and on three earlier occasions, he was granted emergency leave. The learned counsel submitted that the convict suffered conviction and sentence for the offence under Section 392 of IPC. Therefore, there is a bar under the Tamil Nadu Suspension of Sentence Rules, 1982, for grant of ordinary leave.



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Hence, the request came to be rejected.

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5. The petitioner's husband was convicted for the offences as follows:

<i>Provision under which convicted</i>	<i>Sentence</i>
Sec. 392 of IPC	Seven years Rigorous Imprisonment and fine of Rs.1,000/-, in default to undergo six months Rigorous Imprisonment.
Sec.302 r/w. 201 of IPC	Three years Rigorous Imprisonment and fine of Rs. 1,000/-, in default to undergo six months Rigorous Imprisonment.
Section 302 of IPC	Life Imprisonment and fine of Rs.1,000/-, in default to undergo two yearsRigorous Imprisonment.

The sentences were ordered to run concurrently.

6. The convict has undergone sentence for 11 years, one month and 9 days, and hence, insofar as the conviction and sentence for the offences under Sections 392 and 201 of IPC are concerned, the convict has



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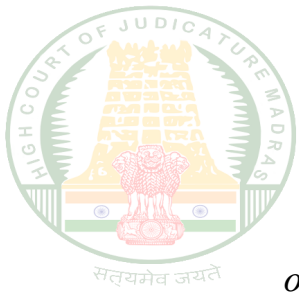
already undergone the sentence and what is left is the life imprisonment that is now being undergone for the offence under Section 302 of IPC.

7. A similar issue came up before this Court in W.P.Crl.(MD) No. 2749 of 2026, dated 10.06.2026, and this Court held as follows:

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 sentence imposed for the offence under Section 392 read with 397 of IPC is already

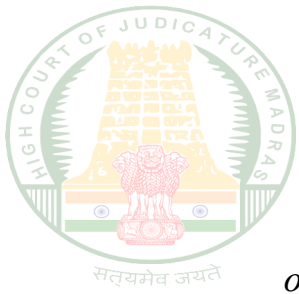


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over. The petitioner has been under incarceration from 23.06.2005 onwards and the sentences will have to run concurrently. In such view of the matter, we are inclined to grant leave for two weeks subject to the usual conditions, however, without escorts.”

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 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



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of IPC and he has already undergone for all the other offences.

The above order squarely covers the issue involved in the present case.

8. In view of the same, the impugned proceedings of the first respondent dated 23.12.2025 is hereby set aside. There shall be a direction to the first respondent to grant 28 days ordinary leave to the convict, subject to the condition that he shall report before the Inspector of Police, Veppur Police Station, Perambalur District, daily at 5.00 PM during the entire ordinary leave period.

9. This Writ Petition (Criminal) is allowed with the above directions. No costs.

[N.A.V., J.] & [K.K.R.K., J.]
15.06.2026

NCC : Yes / No
Index : Yes / No

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To

- 1.The Deputy Inspector General of Prison,
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Trichy Central Prison Campus,
Trichy - 620020.
- 2.The Superintendent of Prison,
Trichy Central Prison, Trichy District.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Perambalur District.
- 4.The Inspector of Police,
Sencheri Police Station,
Perambalur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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