

W.P.CRL.(MD).No.3308 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2026

CORAM

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

W.P.Crl.(MD) No.3308 of 2026

T.Mariyaselvi

Vs.

..... Petitioner

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

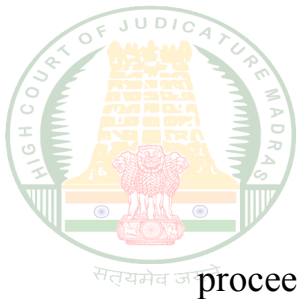
2.The Superintendent of Prison,
Central Prison,
Trichy-620 020.

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

4.The Inspector of Police,
Ambadurai Police Station,
Dindigul 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 relating to the impugned order passed by the 1st respondent vide



W.P.CRL..(MD).No.3308 of 2026

proceedings in No.RO.TRY/226/2026-CA, dated 12.06.2026 and quash the same as illegal and consequently direct the 1st respondent to grant 40 days ordinary leave without Police escort to the petitioner's brother namely Aruldoss, S/o.Thangaraj, aged about 47 years, Life Convict, PID No.190, confined at Central Prison, Trichy.

For Petitioner : Mr.K.A.S.Prabhu

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 impugned proceedings at first respondent made in No.RO.TRY/226/2026-CA, dated 12.06.2026 and for a direction to the first respondent to grant 40 days ordinary leave without Police escort to the petitioner's brother, who is presently serving 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.

3. The petitioner submitted a representation to the respondents



W.P.CRL..(MD).No.3308 of 2026

WEB COPY

seeking ordinary leave. The same came to be rejected by the first respondent through the impugned proceedings dated 12.06.2026 on the ground that the convict was convicted for offences under Sections 393 and 398 of IPC and that there is a bar under Rule 21(b) of the Tamil Nadu Suspension of Sentence Rules, 1982. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. The convict prisoner was convicted by the Trial Court in S.C.No.66 of 2009 by judgment dated 28.07.2010 in the following manner:

Section of law	Sentence of imprisonment	Fine amount
451 of IPC	Two years Rigorous Imprisonment	-
393 of IPC	Seven years Rigorous Imprisonment	-
302 of IPC	Life imprisonment	Rs.2,000/- i/d to undergo one year Rigorous Imprisonment
307 of IPC	Ten years Rigorous Imprisonment	-
398 of IPC	Seven years Rigorous Imprisonment	-

The above sentences were ordered to run cuncurrently.



W.P.CRL.(MD).No.3308 of 2026

WEB COPY

5. The appeal filed by the convict was dismissed by the Court in Crl.A(MD) No.374 of 2010 by judgment, dated 03.01.2011.

6. The learned Counsel for the State of TN, on instructions, submitted that the convict has undergone sentence of 15 years, 3 months, and 24 days till now. The learned counsel submitted that since one of the offences, for which the convict was convicted is under Section 393 of IPC, there is a bar under the Tamil Nadu Suspension of Sentence Rules, 1982 and therefore, the representation was rejected.

7. The issue 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 and the relevant portion is 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



W.P.CRL..(MD).No.3308 of 2026

WEB COPY

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 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



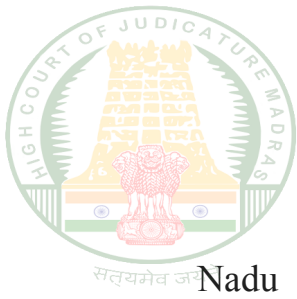
W.P.CRL..(MD).No.3308 of 2026

WEB COPY

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

8. In the instant case, for the offence under Section 393 of IPC, for which seven years Rigorous Imprisonment was imposed, the convict has already undergone this sentence and presently, the convict is undergoing the sentence of life imprisonment for the offence under Section 302 of IPC.

9. In view of the same, the bar under Section 21 of the Tamil



W.P.CRI..(MD).No.3308 of 2026

WEB COPY

Nadu Suspension of Sentence Rules, 1982, will not apply. Hence, the impugned proceedings, dated 12.06.2026 are hereby set aside and there shall be a direction to the first respondent to grant 40 days ordinary leave to the convict, subject to the condition that he shall report before the fourth respondent daily at 5.00 p.m. during the entire leave period and the sureties shall be executed before the jail authorities.

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

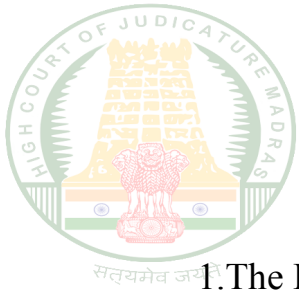
[N.A.V., J.] & [K.K.R.K., J.]
19.06.2026

NCC : Yes / No

Index : Yes / No

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To



W.P.CRL..(MD).No.3308 of 2026

WEB COPY

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- 4.The Inspector of Police,
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- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

N.ANAND VENKATESH, J.
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WEB COPY



W.P.CRL.(MD).No.3308 of 2026

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W.P.Crl.(MD).No.3308 of 2026

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