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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04-11-2026

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

AND

THE HON'BLE MR.JUSTICE N.GUNASEKARAN

WP Crl.(MD) No. 6006 of 2026

CNR:{HCMD011568402026}

Case QR

Mariyayi
W/o. Dharmaraj,
No.5/820,North Street
Alampakkam,Lalgudi Taluk,
Trichy District - 621 711.

..Petitioner(s)

Vs

1. The Superintendent of Prison
   Central Prison,Trichy - 620020.

2. The Inspector of Police
   Kallakkudi Police Station,
   Trichy District. ..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS calling for the records relating to the Impugned Order passed by the Ist respondent vide his proceedings in No.325886/ ThaKu.4/2026, dated 12.10.2026 and quash the same as illegal and void and consequently grant six days emergency leave without police escort to Dharmaraj, S/o.Chelladurai, PID No.325896 now confined at Central Prison, forthwith considering the representation dated 24.09.2026

For Petitioner(s) :M/s C.Karthikeyan

For Respondent(s) :M/s.G.Karuppasamy Pandian
Additional Public Prosecutor

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ORDER

(Order of the Court was made by M. NIRMAL KUMAR J.)

The prayer in the petition is to quash the impugned order passed by the first respondent vide his proceedings in No.325886/ ThaKu.4/2026, dated 12.10.2026 and consequently grant six days emergency leave without police escort to Dharmaraj, S/o.Chelladurai, PID No.325896 now confined at Central Prison, forthwith considering the representation dated 24.09.2026.

2. It is the case of the petitioner that her husband was convicted for the offence under Section 302 of IPC and sentenced to undergo life imprisonment and he is now confined at Central Prison, Trichy. The petitioner has sent a representation seeking emergency leave to her husband on the ground that she is suffering from renal problem and the doctor had advised her to take treatment as inpatient, hence the presence of her husband is very much required to attend her illness morally and physically. However the said representation was rejected and the impugned order came to be passed.

3. The learned counsel appearing for the petitioner submitted that the Probation Officer had given a contradictory report. In one stretch he admits that the wife of the petitioner is ill and she is taking treatment as

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out patient and on the same stretch he also given a report that reason given for emergency leave is not true. Further the concerned Jurisdiction police had not given any report for leave,thereby rejection for grant of leave is not proper.

4. The learned Additional Public Prosecutor submitted that the medical report annexed by the petitioner is given by general practitioner and not by any nephrologist or any specialist, hence doubt is cast on the request made by the petitioner. He would fairly submit that it is not known whether the Probation Officer had visited the said hospital and verified the genuineness of the certificate by making enquiries with the doctor concerned.

5. In this case as per Rule 11 of the Tamil Nadu Suspension of Sentence Rules, 1982, the Superintendent of Prison shall at his discretion verify the genuineness of the certificates produced along with the petition for emergency leave with the Probation Officer or police concerned before releasing a prisoner on emergency leave. In this case so far this Court has not seen any report confirming the verification of the certificate submitted by the petitioner or family members of the detenue.

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6. In future, the Superintendent of Prison shall verify the genuineness of the medical certificate either through the Probation Officer, the police concerned or the Medical Officer concerned. The report shall clearly indicate the materials verified and the basis on which the Superintendent of Prison has arrived at a decision either to grant or reject leave. In the present case, admittedly, no such verification of the medical certificate has been carried out.

7. In view of the above, the impugned order passed by the first respondent is set aside and the Writ Petition stands allowed. However, the Superintendent of Prison, Trichy, is directed to reconsider the petitioner's representation by duly verifying the genuineness of the medical certificate, particularly considering the fact that the medical condition is renal failure. The entire process shall be completed within a period of two weeks from the date of receipt of a copy of this order. It is made clear that Rule 11 of the Tamil Nadu Suspension of Sentence Rules, 1982, shall be strictly followed without any deviation.

(M.N.K.,J.) **(N.G.N.,J.)**
04-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The Superintendent of Prison
   Central Prison
   Trichy - 620020

2. The Inspector of Police
   Kallakkudi Police Station
   Trichy District

3. The Additional Public Prosecutor
   Madurai Bench of Madras High Court
   Madurai

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M.NIRMAL KUMAR, J.
AND
N.GUNASEKARAN, J.
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