



W.P(CrI)MD.No.2684 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2026

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.P(CrI)MD.No.2684 of 2025
and
W.PMP(CrI)MD.Nos.635, 636 & 637 of 2025**

P. Veeramakali

... Petitioner/Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by the Additional Chief Secretary to
Government, Home (Prison-IV) Department,
Fort St.George, Chennai – 9.

2.The Director General of Prisons,
Gandhi Irwin Road,
CMDA Building,
2nd Tower, Egmore, Chennai – 8.

3The Deputy Inspector General of Prison,
O/o.The Deputy Inspector General
of Prison and Correctional Services Department,
New Jail Road,
Madurai.

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4.The Superintendent of Prison,
Central Prison,
Madurai

... Respondents/Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in respect of the impugned order passed by the first respondent in G.O(D)No.867 dated 09.07.2025 and quash the same and consequently direct the respondents to release the petitioner's husband namely Balakrishnan, son of Vellaichami Thevar, life convict No.4554, now confined at Central Prison, Madurai, prematurely on medical grounds as certified by the medical board within the time stipulated by this Court.

For Petitioner : Mr.S.Srikanth

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by **G.K.ILANTHIRAIYAN, J.**)

This Writ Petition has been filed challenging the order passed by the first respondent dated 09.07.2025, whereby the request



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made by the petitioner seeking the premature release of her husband was rejected.

2.The petitioner's husband is a convict in S.C.No.10 of 1996 for the offence punishable under Section 302 read with Section 149 of the Indian Penal Code (IPC) for eight counts and was sentenced to undergo eight times of life imprisonment. The conviction and sentence were confirmed by this Court in Crl.A.No. 328 of 2006 by judgment dated 14.12.2007.

3.Thereafter, the Hon'ble Supreme Court, in Criminal Appeal Nos. 225–227 and 895 of 2009 and Criminal Appeal No. 429 of 2015, by order dated 09.12.2016, modified the sentence to the extent that the punishment of eight life imprisonment was reduced to a single life imprisonment.



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4.The convict has now been languishing in prison for the past 21 years. He is suffering from chronic end-stage renal disease (Stage 5), anaemia, and systemic hypertension. As a life-saving measure, he is undergoing haemodialysis (blood purification through a vascular access incision) twice a week through a left arm fistula, which is essential for his survival in view of renal failure, at Government Rajaji Hospital, Madurai.

5.In the meanwhile, the Government issued G.O.(Ms)No. 430, Home (Prison-IV) Department, dated 11.08.2023, laying down guidelines for considering the cases of life convicts for premature release in commemoration of the 115th Birth Anniversary of Dr. Perarignar Anna.

6.Based on the said Government Order, the petitioner submitted a representation seeking the premature release of her husband in accordance with the report of the Advisory Board and the



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relevant Rules. As the same was not considered, the petitioner filed a Writ Petition in W.P(MD)No.30782 of 2023 seeking premature release of her husband under Rule 341 as well as Rule 632 of the Tamil Nadu Prison Rules, 1983, on the ground that he requires regular hospital treatment and the assistance of another person to lead his life.

7.This Court, by order dated 23.02.2024, recorded the submission made by the learned Additional Public Prosecutor that the Government had taken a policy decision to revisit the earlier decision and that the matter had been taken up for fresh consideration, with a report having been called for from the District Level Committee. In view of the same, the Writ Petition was disposed of with liberty to the petitioner to await the outcome of the Government's decision.



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8. Thereafter, the petitioner once again submitted a representation seeking the premature release of her husband, and the same is pending consideration.

9. Once again, the petitioner approached this Court in W.P(MD)No.14218 of 2024, and by order dated 31.07.2024, this Court directed the authorities concerned to consider the request made by the petitioner as expeditiously as possible, preferably within a period of four weeks.

10. However, the request made by the petitioner was rejected on the ground that the Probation Officer, Paramakudi, in her report dated 03.03.2020, had stated that the victim had strongly objected in writing, expressing the possibility of a law and order problem if the convict was prematurely released. Therefore, the Probation Officer did not recommend the premature release of the life convict.



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11.Further, the District Collector, Ramanathapuram, in his report dated 05.12.2020, did not recommend the premature release of the life convict based on the report submitted by the Superintendent of Police, Ramanathapuram District, and also in view of the report of the Advisory Board that the life convict had been involved in the murder of eight persons, including a 1½-year old infant. Considering the gravity of the offence, the Advisory Board was not inclined to recommend the premature release of the life convict.

12.Consequently, the request made by the petitioner on the occasion of the 115th Birth Anniversary of Dr. Perarignar Anna was rejected in G.O(D)No.1481, Home (Prison–IV) Department, dated 07.12.2024. The same was challenged before this Court in W.P(MD)No.30977 of 2024. By order dated 11.03.2025, this Court directed the authorities concerned to reconsider the request made by



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the petitioner, taking into account the illness of the convict.

However, the request was again rejected in G.O(D)No.867, Home (Prison–IV) Department, dated 09.07.2025.

13.The said Government Order was challenged by the petitioner in W.P(Crl.)(MD) No.703 of 2025. During the pendency of the Writ Petition, the petitioner sought temporary release of the convict for a period of eight weeks, and the same was allowed in W.M.P(Crl.)(MD)No.204 of 2025 by order dated 18.08.2025. However, after the expiry of the temporary release period, the life convict did not surrender. Therefore, this Court, by order dated 24.10.2025, disposed of the Writ Petition and directed the jurisdictional police to secure the life convict and produce him before the jail authorities.

14.Once again, the petitioner has now challenged the very same order of rejection in G.O(D) No. 867, Home (Prison–IV)



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Department, dated 09.07.2025, by way of the present Writ Petition.

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15.On perusal of the counter-affidavit filed by the respondent and the submissions made by the learned counsel appearing for the petitioner, it is revealed that the present Writ Petition is not maintainable, since the order under challenge in this Writ Petition had already been challenged in W.P(Crl.)(MD)No.703 of 2025, and the same was disposed of by order dated 24.10.2025. Therefore, the present Writ Petition is liable to be dismissed in limine for abuse of process of law and on the ground of suppression of material facts.

16.That apart, the petitioner's husband was convicted for the offences punishable under Sections 148, 302 read with 34 (2 counts), 302 read with 149 (6 counts), and 307 read with 149 of the Indian Penal Code. He was sentenced to undergo life imprisonment for each of the six counts under Section 302 read with 149 of the



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IPC; life imprisonment for each of the two counts under Section 302 read with 34 of the IPC; ten years of rigorous imprisonment for the offence under Section 307 read with 149 of the IPC; and one year of rigorous imprisonment for the offence under Section 148 of the IPC. However, the sentence was subsequently modified by the Hon'ble Supreme Court of India to a single life imprisonment.

17.The representation was made by the petitioner on the ground that the convict is undergoing haemodialysis and is suffering from chronic end-stage renal disease (Stage 5), anaemia, and systemic hypertension at Government Rajaji Hospital, Madurai.

18.On perusal of the records, it is revealed that the convict has never been denied medical treatment so far. He has been undergoing haemodialysis continuously at Government Rajaji Hospital, Madurai, free of cost, provided by the Government. Therefore, the claim that his release is essential for his survival

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cannot be accepted, as he continues to receive uninterrupted and adequate medical care.

19.The Probation Officer, the District Collector, and the Advisory Board did not support the premature release of the life convict on the ground that the family members of the deceased strongly objected, since the life convict had murdered eight persons, including a 1½-year old infant. Further, as per the Government Order, only those prisoners whose health conditions are incurable are considered for premature release under the medical infirmities category. Since the prisoner's health condition is stable under continuous treatment, he was denied the benefit of premature release under the said category.

20.In fact, while challenging the very same impugned order, this Court had disposed of the earlier Writ Petition. However, the life convict did not surrender before the jail authorities after the



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completion of the interim relief period of eight weeks granted to him. Hence, the request of the petitioner was rightly rejected after due consideration and upon obtaining a fresh Medical Board opinion stating that the prisoner's condition is stable with continued haemodialysis and, therefore, does not satisfy the threshold prescribed for premature release under the medical infirmity category.

21.In view of the above, this Court finds no infirmity or illegality in the order passed by the first respondent in G.O(D)No. 867, Home (Prison – IV) Department, dated 09.07.2025. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

[G.K.I.J.,] & [R.P.J.,]
18.02.2026

NCC :Yes/No
Index :Yes/No
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