

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.No.717 of 2015
and M.P.No.1 of 2015

1. The State rep.by its
The Secretary to Government of
Tamil Nadu, Department of Home,
Fort St.George, Chennai - 600 009
 2. The Additional Director General of Prison,
CMDA Towers,
Egmore, Chennai - 600 008,
 3. The Superintendent,
Central Prison,
Coimbatore - 18. Appellants/Respondents
- vs.
- Subaithabegam Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the Order dated 2.12.2014 made in W.P.No.28529 of 2014 on the file of this Court presented under Article.226 of the constitution of India to issue a writ of Mandamus directing the respondents to grant leave for 45 days to petitioner's husband, the detainee Sarfudeen S/o. P.K. Abdul Salam, aged about 40 years, covict No.6979 detained at Central Prison, Coimbatore.

For appellants : Mr.P.S.Sivashanmugasundaram,Spl.G.P.

JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

The appellants have raised an important question of law as to whether High Court may consider grant of leave in exercise of power under Article 226 of the Constitution of India when the conviction and sentence of an accused to life imprisonment stands confirmed even by the High Court and the appeals are pending in Supreme Court in S.L.P.(Criminal) Nos.24293-24296 of 2010.

2. The learned Single Judge, after recording reasons and considering the family circumstances and that the writ petitioner is undergoing medical treatment, has granted 45 days leave to attend certain family requirement. In that view of the matter, we are not inclined to interfere with the impugned order. However, we make it clear that the question of law raised herein is not affirmed and is open to be decided in an appropriate case.

3. The writ appeal stands dismissed with the above observation. No costs. Consequently, the connected miscellaneous petition stands closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government of
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3. The Superintendent,
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+ 1 cc Government Pleader Sr.24738

TEJ(CO)
EU 21.04.2015

W.A.No.717 of 2015

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