

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

W.P.No.3075 of 2015

K.P.Ahisha,
W/o.Mr.Peer Muhamed,
Kuniyamuthur,
Coimbatore.

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its Home Secretary,
Fort St. George, Chennai-600 009.

2.The Additional Director General of Police-
cum-Inspector General of Prison,
Gandhi Irwin Road, Egmore,
Chennai-600 008.

3.The Superintendent of Prisons,
Central Prison, Coimbatore-641 018.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the 3rd respondent to consider the petitioner's representation dated 30.12.2015 in accordance with law and to release the petitioner's husband Mr.Peer Muhamed, S/o.Abdul Sukoor, Aged 41 years, Prisoner No.7421, now confined in Central Prison, Coimbatore, on leave.

For Petitioner : Mr.T.Gowthaman

For Respondents : Mr.C.Emalias, APP
* * * * *

ORDER

This petition has been filed by the petitioner praying for issuance of a writ of mandamus, directing the 3rd respondent to consider the petitioner's representation dated 30.12.2015 in accordance with law and to release the petitioner's husband Mr.Peer Muhamed, S/o.Abdul Sukoor, Aged 41 years, Prisoner No.7421, now confined in Central Prison, Coimbatore, on leave.

2.It is stated by the petitioner that the petitioner's husband viz., Mr.Peer Muhamed,has been convicted for the offences under Sections 366, 342, 376 & 506(ii) IPC, by judgment dated 11.03.2014 in S.C.No.313 of 2008 on the file of the Mahila Court, Coimbatore. The appeal filed by the petitioner's husband in C.A.No.261 of 2014 is pending. Now, the petitioner's husband has been confined in Central Prison, Coimbatore. It is further stated by the petitioner that the petitioner is having four children. The marriage of the petitioner's eldest daughter Ms.Aashika Farzhana

has been fixed on 31.01.2016. The presence of the petitioner's husband in the marriage of their daughter and the ceremonies associated with the same, is necessary. Hence, the petitioner made a representation dated 02.12.2015 before the 3rd respondent requesting to release her husband, who is presently confined in Central Prison, Coimbatore, on leave with appropriate police security. Since her representation was not considered by the 3rd respondent, she has come forward with the present petition before this Court.

3. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor and perused the materials available on record.

4. Considering the facts and circumstances of the case, this Court directs the 3rd respondent to grant leave to the petitioner's husband Peer Muhamed (convict) for a period of three days ie., from 30.01.2016 to 01.2.2016, with armed escort. The convict Peer Muhamed shall report before the 3rd respondent by 5.00 pm on 01.02.2016. The petitioner is directed to bear the expenses for giving protection to the petitioner's husband during the leave period.

The 3rd respondent is also permitted to impose reasonable conditions taking into account the security and return of the convict to the jail after the expiry of the leave period.

The writ petition is allowed as indicated above. No costs.

29.01.2016

SSV

NOTE :- Issue Today.

To,

- 1.The State of Tamil Nadu,
represented by its Home Secretary,
Fort St. George, Chennai-600 009.
- 2.The Additional Director General of Police-
cum-Inspector General of Prison,
Gandhi Irwin Road, Egmore,
Chennai-600 008.
- 3.The Superintendent of Prisons,
Central Prison, Coimbatore-641 018.
- 4.The Public Prosecutor,
Madras High Court, Madras.

R.SUBBIAH, J.

SSV

Crl.O.P.No.3075 of 2016

29.01.2016