

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.02.2021
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
WP No. 3193 of 2021

Nadhira Banu

... Petitioner

vs.

1. The Government of Tamil Nadu,
Rep. By its Secretary to Government,
Home (Prison IV) Department,
Fort St. George, Chennai 9.
2. The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai 8.
3. The Superintendent of Central Prison,
Puzhal-I, Chennai.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to grant leave without escort for 30 days to the petitioner's brother namely Ibrahim @ Koolai Ibrahim, S/o. Abdul Razak, aged about 42 years, life convict No.4661, detained at Central Prison, Puzhal -I, Chennai.

For Petitioner : Mr.A.P.Sathyamurthy

For Respondents : Mr.M.Mohamad Riyaz
Additional Public Prosecutor

सत्यमेव जयते

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents to consider the representation made by the petitioner on 03.02.2020, wherein the petitioner has sought for leave for her brother, who is a life convict, to attend to an important ceremony to be conducted on 21.02.2021.

2. The learned Additional Public Prosecutor on instructions submitted that this Court has already granted ordinary leave to the life convict in HCP No.1725 of 2020 and the life convict has already availed of the entire period provided under the Rules, insofar as ordinary leave is concerned. The learned Additional Public Prosecutor further submitted that the life convict has not availed of any emergency leave during this year.

3. The learned counsel for the petitioner submitted that the life convict has to attend an important ceremony to be conducted for his sister's son on 21.02.2021 and the presence of the life convict is necessary as per the customs.

4. Taking into consideration the facts and circumstances of the case and considering the importance of the function which involves the faith of the Muslim Community, the third respondent is directed to grant 6 days emergency leave to the life convict without escort.

5. The third respondent shall release the life convict from Jail on 19.02.2021. The life convict shall surrender before the third respondent on 26.02.2021. It is left open to the third respondent to impose any reasonable conditions as may be necessary.

6. The Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

jv

To

1. The Secretary to Government,
Government of Tamil Nadu,
Home (Prison IV) Department,
Fort St. George, Chennai 9.

WEB COPY

2. The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai 8.

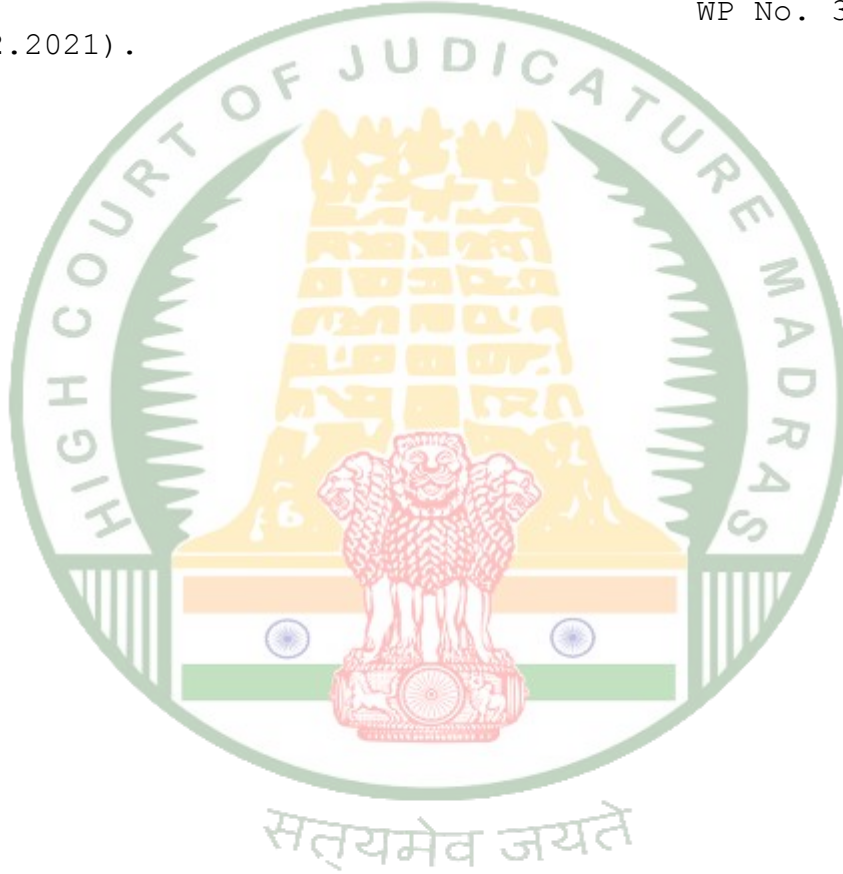
3. The Superintendent of Central Prison,
Puzhal-I, Chennai.

4. The Public Prosecutor, High Court, Madras - 104.

+1cc to Mr.A.P.Sathyamurthy , Advocate SR.No. 8128

WP No. 3193 of 2021

A.SK(15.02.2021).



WEB COPY