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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 02.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.13773 of 2022
& WMP No.13071 of 2022

Shamma

...Petitioner

Vs

1.The State rep. by
The Secretary to Government of Tamilnadu,
Department of Home,
Fort. St. George,
Chennai-600 009

2.The Additional Deputy General of Prison,
Central Prison,
Coimbatore-641 018.

3.The Superintendent,
Central Prison,
Coimbatore-641 016.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to grant leave for 40 days without escort to the detainee, namely Aslam, S/o.Jainulapudin, aged about 45 years, life convict no.18819, detained at Central Prison, Coimbatore.

For Petitioner : Dr.S.Manoharan

For R1 to R3 : Mr.A.Damodaran,
Additional Public Prosecutor

O R D E R

[Order of the Court was made by M.S.RAMESH, J.]

The present petition has been filed by the petitioner, who is the wife of the convict, who has been convicted and sentenced to undergo more than 24 years rigorous imprisonment.



2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

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3. Leave has been sought for to perform the sunnath function for their son, since the presence of his father will be very useful for the arrangements of the function.

4. Though the Probation Officer has not recommended the case, particularly in view of the embargo under the Rule and the plausible objection from the victim family, inasmuch as to perform the sunnath function for their son, we are inclined to direct the third respondent to grant six days emergency leave to the convict.

5. Accordingly, we direct the third respondent to grant 6 days emergency leave to the convict with minimum escort subject to the usual conditions that can be imposed by the third respondent. The convict shall be released from the prison at 10.00 a.m. on 07.06.2022 and he shall return back to the prison at 07.00 p.m. on 14.06.2022. The third respondent shall provide minimum escort to the convict from the Central Prison from the time he leaves the prison and till such time he is taken back to the Central Prison, on the said date and time as ordered by this Court. The cost involved for providing escort shall be borne by the petitioner. We make it clear that the day on which the convict is released from the prison and the day on which he is readmitted will have to be excluded.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)/Vacation Officer

//True copy//

Sub Assistant Registrar

dn/rst

To

1. The State rep. by
The Secretary to Government of Tamilnadu,
Department of Home,
Fort. St. George, Chennai-600 009



2. The Additional Deputy General of Prison,
Central Prison,
Coimbatore-641 018.

3. The Superintendent,
Central Prison,
Coimbatore-641 016.

4. The Public Prosecutor,
High Court, Madras.

W.P.No.13773 of 2022

AK II (CO)
GMY (06/06/2022)