



WEB COPY



W.P.No.35015 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2022

CORAM

**THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN**

AND

**THE HON'BLE MR.JUSTICE S.SOUNTHAR**

**W.P.No.35015 of 2022**  
**and W.M.P.No.34446 of 2022**

A.Rahmath Nisha

... Petitioner

Vs

1.The State Represented by its  
Secretary to Government of Tamil Nadu  
Department of Home, Fort St.George  
Chennai 600 009.

2.The Deputy Inspector General of Prison  
Chennai Range, Chennai 600 008.

3.The Superintendent, Puzhal-I  
Central Prison, Chennai 600 066.

... Respondents

|                 |   |                                                       |
|-----------------|---|-------------------------------------------------------|
| For Petitioner  | : | Mr.S.Manoharan                                        |
| For Respondents | : | Mr.M.Babu Muthumeeran<br>Additional Public Prosecutor |

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorified Mandamus to call for the records pertaining to the impugned order bearing No.2839/Vu Mu/2022 dated 23.12.2022 passed by the 2<sup>nd</sup> respondent and quash the same and consecutively direct the respondents to grant ordinary leave for 40 days without escort to the detenu, N.S.Abdul Hakkim, S/o.Syed Mohammed aged about 43 years, Convict No.4662 detained at Central Prison, Puzhal, Chennai.



**ORDER**  
**(Order of the Court was made by C.V.KARTHIKEYAN, J.)**

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This writ petition has been filed seeking interference with the order of the 2<sup>nd</sup> respondent / Deputy Inspector General of Prison, Chennai Range, wherein the authority has rejected the representation dated 16.12.2022 given by the petitioner herein.

2. The petitioner sought leave for 40 days without escort to the detenu N.S.Abdul Hakkim, Convict No.4662 detained at Central Prison, Puzhal, Chennai, as he is suffering from brain tumour.

3. In this connection, learned Additional Public Prosecutor has forwarded a report from the Department of Prisons and Correctional Services, Tamil Nadu, wherein it has been stated that N.S.Abdul Hakkim had been given treatment by a Neuro Surgery Professor. He had been admitted on 11.12.2022, was operated on 26.12.2022 and requires continuation of hospital stay for another ten days.

4. At this juncture, taking into consideration the very physical condition of N.S.Abdul Hakkim, it may not be possible for us to consider the request made by the petitioner for leave to be granted to the detenu. In the reason given by the 2<sup>nd</sup> respondent in the order impugned the medical condition of the detenu N.S.Abdul Hakkim has not been considered and therefore, we would set



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aside that order.

5. But, after the hospitalization is over, a fresh representation can be given by the petitioner herein and we are confident that it would be examined in manner known to law by the authorities. During the period of hospitalization, the petitioner may give a representation to the 2<sup>nd</sup> respondent in person on 29.12.2022 and if it is so given, with necessary protection, the close relatives of N.S.Abdul Hakkim may be permitted to see him in the hospital, following due protocol.

Recording the above, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**(C.V.K.,J.) (S.S.,J.,)**  
**28.12.2022**

Index : Yes/No  
Speaking Order / Non-speaking Order  
KST/NSD

To

1.The Secretary to Government of Tamil Nadu  
Department of Home, Fort St.George  
Chennai 600 009.

2.The Deputy Inspector General of Prison  
Chennai Range, Chennai 600 008.

3.The Superintendent, Puzhal-I  
Central Prison, Chennai 600 066.



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**C.V.KARTHIKEYAN, J.**  
**AND**  
**S.SOUNTHAR, J.**

kst/nsd

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**28.12.2022**