



W.P.No.23271 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

CORAM

THE HONOURABLE MR. JUSTICE **S.S. SUNDAR**
AND
THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

W.P.No.23271 of 2023

Saleena

... Petitioner

Vs.

The State rep. By its

1.The Secretary to Government of Tamilnadu
Home Department, Fort St.George,
Chennai – 09.

2.The Deputy Inspector General of Prison,
Trichy Zone, Central Prison, Trichy.

3.The Superintendent,
Trichy Central Prison,
Trichy.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to grant ordinary leave for 40 days without escort to the detenu A.M.Hakkim, aged about 40 years, S/o.Abdul Majith, Convict No.22928 confined at Central Prison, Trichy.

For Petitioner : Dr.S.Manoharan

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.C.Aravind



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ORDER

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(Order of the Court was made by **S.S.SUNDAR, J.**)

Seeking a direction to the respondents to grant ordinary leave for 40 days without escort to the convict prisoner, A.M.Hakkim, aged about 40 years, S/o.Abdul Majith, Convict No.22928 confined at Central Prison, Trichy, the present writ petition has been filed.

2. Petitioner is the wife of the convict prisoner. The convict prisoner has been sentenced to undergo life imprisonment. It is submitted that the convict prisoner has completed 10 years in prison. The case of the petitioner is that her first son is studying 12th standard and second daughter is studying 8th standard. For attending certain domestic works and to mobilize the funds for the education of the children, presence of the convict prisoner is necessary and therefore the petitioner made a representation for the grant of ordinary leave to her husband/convict prisoner. The representation of petitioner was considered but rejected on the ground that the convict prisoner is facing trial in another case. The petitioner also states that she requires the assistance of her husband as she is also having physical problems to be attended immediately. It is admitted that the convict prisoner has availed



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leave on earlier occasions by the orders of the Court. Considering the economic condition of the petitioner, she prayed for leave without escort.

3. Learned Additional Public Prosecutor though raised formal objections submitted that the convict prisoner has to be present on 17.11.2023 in connection with the case in S.C.No.286 of 2015 before the Assistant Sessions Judge, Coimbatore. The factual averments found either in the representation or in the affidavit filed in support of the petition are not disputed. There is no adverse remark against the conduct of the convict prisoner. In such circumstances, this Court is inclined to grant ordinary leave to the petitioner's husband/convict prisoner for a period of 30 days commencing from 19.11.2023 without escort.

4. Accordingly, we grant 30 days ordinary leave to the convict prisoner without escort subject to the usual conditions that can be imposed by the respondents and this writ petition is ordered on the following terms:

(i) The convict prisoner shall be released from the prison at 10.00 a.m. on 19.11.2023 and he shall return back to the prison at 06.00 p.m. on 18.12.2023;



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and
SUNDER MOHAN, J.

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