



WP.No.30132/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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A.Benazir Banu

... Petitioner

Vs.

1.The Home Secretary
Chief Secretariat
Chennai 600 009.

2.The Deputy Director of Prisons Department
Chennai Cargo, Venels Road,
Egmore, Chennai 600 008.

3.The Superintendent of Police
Puzhal Central Jail – I
Puzhal, Chennai 600 066.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents to grant ordinary leave for 30 days without escort to the detenu Alaudeen, S/o.Shamsudeen,



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convict No.5630, detained at Central Prison, Puzhal-I, Chennai by considering the petitioner representation dated 07.10.2023.

For Petitioner : Ms.K.Akshaya for Mr.T.Elumalai
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

- (1)The present writ petition has been filed by the petitioner, wife of the detenu, a life convict, in the nature of a mandamus seeking a direction to the respondents to consider her representation dated 07.10.2023 seeking 30 days ordinary leave for her husband/detenu.
- (2)The petitioner now seeks ordinary leave for her husband to attend the ceremonies in relation to his father's death.
- (3)The learned counsel for the petitioner states that though the petitioner seeks leave without escort, the said prayer cannot be considered as the detenu has failed to surrender after completion of the leave availed on earlier occasion. The allegation that the detenu was absconding earlier for more than 1200 days is not disputed.



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(4) When this Court was not inclined to grant leave to the detenu without escort, the learned counsel for the petitioner now stated that the detenu is prepared to go on ordinary leave with escort at the instance of the petitioner herein.

(5) It is in the said circumstances, this Court is inclined to pass the following order:-

(a) The detenu/life convict, Mr. Aladeen, S/o. Shamsudeen, [Convict No. 5630], now detained in the Central Prison, No. I, Puzhal, Chennai, is **granted ordinary leave for three days from 25.10.2023 to 27.10.2023.**

(b) The detenu shall be released from the prison at 10.00 a.m., on 25.10.2023 and he shall return back to the prison at 7.00 p.m., on 27.10.2023.

(c) The third respondent is directed to provide minimum escort to the convict from the Central



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Prison at the time he leaves the prison and till such time he is taken back to the prison. It is clarified that the cost involved in providing escort shall be borne by the petitioner.

(6)The writ petition stands **ordered accordingly.**

[S.S.S.R., J.] [S.M, J.]
16.10.2023

AP

Internet : Yes

To

- 1.The Home Secretary
Chief Secretariat
Chennai 600 009.
- 2.The Deputy Director of Prisons Department
Chennai Cargo, Venels Road,
Egmore, Chennai 600 008.
- 3.The Superintendent of Police
Puzhal Central Jail – I
Puzhal, Chennai 600 066.
- 4.The Public Prosecutor,
High Court, Madras.

S.S. SUNDAR, J.,



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and
SUNDER MOHAN, J.,

AP

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