



W.P.(MD)No.9929 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Syed Ali Fathima

... Petitioner

Vs.

1.The Deputy Inspector General of Prison,
O/o. The Deputy Inspector General of Prison,
Peththanaipuram, Arapalayam, Madurai District.

2.The Superintendent of Prison,
Central Jail, Palayamkottai,
Tirunelveli District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to grant emergency leave for the period of 15 days to the petitioner's husband, namely, Sheik Jinna Mathar, who is convicted in one murder case and languishing jail in Palayamkottai Central Jail for the period of 24 years by considering the petitioner's representation dated 17.03.2023.



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For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

This Writ Petition is filed for a direction to the respondents to grant emergency leave for a period of 15 days to the petitioner's husband, namely, Sheik Jinna Mathar, who is convicted in one murder case and languishing in Palayamkottai Central Jail for the period of 24 years, by considering the petitioner's representation dated 17.03.2023.

2.Since the mother of the detenue has become sick and in order to look after her medical facilities and to see her atleast for few days, the life convict wants to come out by way of special leave, for which the petitioner had given a representation dated 17.03.2023 to the jail authorities, ie., the respondents herein. Since the same has not been considered, the petitioner has moved this Writ Petition.



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3.Heard Mr.S.M.A.Jinnah, learned counsel for the petitioner and Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor, who takes notice on behalf of the respondents.

4.The learned Additional Public Prosecutor for the respondents would submit that in fact the representation given by the petitioner has been considered and six days special leave from 01.04.2023 to 06.04.2023 was given with escort to the life convict, who is the husband of the petitioner and the proceedings to that effect dated 31.03.2023 has also been issued by the 2nd respondent and the said proceedings has also been produced before this Court for perusal.

5.He would further submit that as the Superintendent of Police, Tirunelveli could not provide escort immediately, the leave could not be availed by the life convict. Therefore, if at all the leave has to be availed for the period of six days, the respondents are ready and willing to provide special leave for the period of six days to the life convict, of course with escort and in this context, a direction also can be given to the



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Superintendent of Police, Tirunelveli, to strictly follow the order to be passed by the 2nd respondent for the purpose of providing escort.

6.We have considered the said submissions made by both sides and perused the materials available on record carefully.

7.In view of the stand taken by the learned Additional Public Prosecutor, we are inclined to pass the following order:-

“that there shall be a direction to the 2nd respondent to provide six days special leave to the life convict, who is the husband of the petitioner, namely, Sheik Jinna Mathar with escort and once such order is passed and communicated to the Superintendent of Police, Tirunelveli, he shall forthwith provide escort party to escort the prisoner for a period of six days till he return back to the jail on completion of six days special leave without fail.”



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8. With these directions, this Writ Petition stands disposed of. No costs.

(R.S.K., J.) & (K.K.R.K, J.)

26.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

MYR

Note: Issue Order copy on 27.04.2023.

To

1. The Deputy Inspector General of Prison,
O/o. The Deputy Inspector General of Prison,
Peththanaipuram, Arapalayam, Madurai District.
2. The Superintendent of Prison,
Central Jail, Palayamkottai,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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AND

K.K.RAMAKRISHNAN, J.

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