



W.P.No.6875 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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K.M.Mehabooba Jailani

...Petitioner/wife of the detenue

VS.

1.The State rep. by its,
Home Secretary (Prison),
Secretariat, Fort St. George,
Chennai-600 009.

2.The Superintendent of Prison,
Puzhal Central Prison-I,
Thiruvallur District-600 066.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Mandamus, to direct the respondents to
grant 30 days of leave without escort to the husband of the petitioner
/Convict Prisoner, Mr.M.Mohamed Ali, S/o.Mohamed Younus, now



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confined at Puzhal Central Prison-I, by considering the petitioner's representation dated 05.02.2024.

For Petitioner : Mr.M.Mohamed Saifulla
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
Assisted by Mr.C.Aravind

ORDER

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

This writ petition has been filed to direct the respondents to grant ordinary leave for 30 days, without escort, to the petitioner's husband/ detinue viz., Mr.M.Mohamed Ali, S/o.Mohamed Younus, now confined at Puzhal Central Prison-I.

2.Heard the learned counsel on either side and perused the documents.



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3. On the grounds that the presence of the petitioner's husband is required to make arrangements for education expenses of their children and for the livelihood of their family, the petitioner herein seeks for grant of ordinary leave for a period of 30 days.

4.The Probation Officer, in his report dated 21.02.2024 has confirmed that the reasons assigned by the petitioner in her representation dated 05.02.2024, and stated about the good conduct of the prisoner and has accordingly recommended for grant of leave.

5. In view of the favourable recommendation of the Probation Officer, we are inclined to invoke our powers under Article 226 of the Constitution of India, thereby granting required leave to the petitioner herein.

6.At this juncture, learned Additional Public Prosecutor submitted that the petitioner is otherwise eligible to avail 28 days of ordinary leave.



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7. Accordingly, the convict prisoner viz., Mr.M.Mohamed Ali, S/o.Mohamed Younus, now confined at Puzhal Central Prison-I, is hereby granted ordinary leave for a period of 28 days, without escort commencing from 04.04.2024 on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Mr.M.Mohamed Ali, S/o.Mohamed Younus, on Ordinary Leave for a period of 28 days i.e., from 04.04.2024 to 01.05.2024.

(ii) The Convict Prisoner shall be released on 04.04.2024 at 10.00 am and surrender before the Superintendent of Prison, Central Prison-I, Thiruvallur District on 01.05.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the N-3, Muthiyalpettai Police Station, twice a week i.e., on every Monday and Thursday at 05.00 pm, during the period of leave.

(iv) The Convict Prisoner shall utilize the leave only for the ground on which it has been granted and shall not



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indulge in any other activities.

8. Accordingly, the writ petition stands allowed.

(M.S.R.,J.) (S.M.,J.)
01.04.2024

Note to Registry:

1.Issue order copy by 03.04.2024.

2.Upload the order copy forthwith.

Anu

To

1.Home Secretary (Prison),
Secretariat, Fort St. George,
Chennai-600 009.

2.The Superintendent of Prison,
Puzhal Central Prison-I,
Thiruvallur District-600 066.

3.The Inspector of Police,
N-3, Muthiyalpettai Police Station,
Chennai.

4.The Public Prosecutor,
High Court, Madras.

M.S.RAMESH, J
and

SUNDER MOHAN, J



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