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W.P.No.9889 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.9889 of 2024

Shamima

... Petitioner

Vs.

1.The State represented by its,
The Deputy Inspector General of prison,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.

2.The Superintendent,
Puzhal Central Prison,
Puzhal – 600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to grant ordinary leave for 30 days without escort to the detenue, Syed Nawaz S/o.Syed Imam aged about 48 years bearing Convict No.8480 confined at central prison, Puzhal.



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For Petitioner : Mr.K.Tamil Prabakaran
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

M.S.RAMESH, J.
AND
SUNDER MOHAN, J.

On the ground that the petitioner requires the presence of her husband/convict prisoner for making financial arrangements for her medical treatment and for their children's educational expenses, she sought leave for her husband. The convict prisoner was convicted for the offence under Section 366(A), 370(4), 370(A)(I), 372, 373, 376(2)(I), 376 r/w 120B of IPC and U/s.4 r/w 17 of POCSO Act and was sentenced to undergo 7 years of imprisonment by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, in S.C.No.37 of 2015 dated 26.07.2021. The petitioner had given a representation on 12.03.2024, seeking leave for her husband. Since the same has not been considered till date, the petitioner has filed the present Writ Petition.



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2. The learned counsel for the petitioner submitted that the convict prisoner has served more than two years in prison without any leave.

3. The learned Additional Public Prosecutor has produced a report of the Probation Officer dated 04.04.2024, which is in favour of the prisoner.

4. By taking into consideration the reasons assigned by the petitioner in the affidavit filed in support of this Writ Petition, as well as the report of the Probation Officer dated 04.04.2024, we are inclined to grant 21 days of ordinary to the petitioner's husband/convict prisoner.

5. Accordingly, the convict prisoner namely Syed Nawaz, S/o.Syed Imam, aged about 48 years, Convict No.8480, shall be granted 21 days ordinary leave ***“without escort”*** commencing from 02.05.2024 to 22.05.2024, with a condition that he shall report before the jurisdictional Police i.e. B-1, Pulianthope Police Station, Chennai, twice a week on Tuesdays and Fridays at 10.30 am. After expiry of the Ordinary Leave,



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the convict prisoner shall surrender before the Jail Authority on 23.05.2024 before 10.00 a.m. The prisoner shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities.

6. With the above direction, the Writ Petition stands allowed. No costs.

[M.S.R., J]

[S.M., J]

29.04.2024

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Tsg

Note: Issue Order Copy on 30.04.2024



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To

1.The Deputy Inspector General of prison,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.

2.The Superintendent,
Puzhal Central Prison,
Puzhal – 600 066.

3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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