



WEB COPY



W.P.No.10663 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.10663 of 2024

Jakir Hussain

... Petitioner

Vs.

1.The Superintendent of Prison,
Central Prison – I,
Puzhal, Chennai.

2.The Inspector General,
Prison and Correctional Service Department,
Monteith Road, Egmore,
Chennai.

3.The Inspector of Police,
North Police Station,
Tiruppur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Mandamus, directing the 1st
Respondent to grant leave of 45 days without escort to the petitioner.



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For Petitioner : Mr.Prakash Goklaney
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

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

To the petitioner's request for grant of ordinary leave to him, the Probation Officer, through his report dated 24.04.2024, has favourably recommended for grant of leave with escort.

2. Heard the learned counsel for the petitioner, as well as for the learned Additional Public Prosecutor appearing for the respondents.

3. The learned counsel for the petitioner submitted that the petitioner's daughter is eight months pregnant and is now suffering from Bronchial Asthma and hence, the petitioner's presence is required to take care of the medical expenses of his daughter. However, if the petitioner is



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granted leave with escort, serious prejudice would be caused owing to the presence of the escort at his residence.

4. It is seen that no reason has been assigned by the Probation Officer in his report dated 24.04.2024, as to why escort is necessary for grant of leave. Further, the Probation Officer's report also suggests that the reasons assigned by the petitioner for grant of ordinary leave is also genuine.

5. In view of the favourable report of the Probation Officer and in the absence of any reasons for grant of any escort, we are inclined to modify the recommendation of the Probation Officer dated 24.04.2024 insofar as the requirement of escort is concerned.

6. Accordingly, there shall be a direction to the respondents herein, to grant 10 days ordinary leave to the convict prisoner namely Jakir Husain S/o Jamalludin, aged about 47 years, ***“without escort”*** commencing from 03.05.2024 to 12.05.2024, with a further condition that he shall report before the jurisdictional Police i.e. Sulur Police Station,



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Coimbatore District, twice a week on Tuesdays and Fridays at 10.30 am.

After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on 13.05.2024 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.

7. 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

Tsg

Note: Issue Order Copy on 30.04.2024.



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To

1.The Superintendent of Prison,
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2.The Inspector General,
Prison and Correctional Service Department,
Monteith Road, Egmore,
Chennai.

3.The Inspector of Police,
North Police Station,
Tiruppur District.

4.The Public Prosecutor,
High Court, Madras.



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