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W.P.No.13740 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.13740 of 2024

Mrs.Zannathul Arifa

... Petitioner

Vs.

1.The State rep. by its,
The Home Secretary (Prison Department),
St.George fort, Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Chennai Range, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison at Puzhal-I,
Thiruvallur District – 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 28 days ordinary leave without escort to the husband of petitioner/convict namely Mr.Liyakath Ali S/o.Kathar Ibrahim Kani by



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considering petitioner's representation dated 18.04.2024.

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For Petitioner : Mr.M.Mohamed Saifulla
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 their children's educational expenses, she sought leave for her husband. The convict prisoner was convicted for the offence under Section 4 of PMLA Act and was sentenced to undergo 7 years rigorous imprisonment and to pay a fine of Rs.1 Crore and in default to undergo 1 year rigorous imprisonment by the learned 12th Additional Special Court (CBI Cases) at Chennai in C.C.No.03 of 2017 dated 02.11.2021. The petitioner had given a representation on 18.04.2024 to the respondents, 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 six years in prison.

3. The learned Additional Public Prosecutor has produced a report of the Probation Officer dated 17.05.2024, 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 17.05.2024, we are inclined to grant 7 days of ordinary leave to the petitioner's husband/convict prisoner.

5. Accordingly, the convict prisoner namely Liyakath Ali S/o. Kathar Ibrahim Kani, aged about 41 years, shall be granted 7 days ordinary leave ***“without escort”*** commencing from 15.06.2024 to 21.06.2024, with a condition that he shall report before the jurisdictional Police i.e. Beach Police Station, Chennai, 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 22.06.2024 before 10.00 a.m. The



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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]

14.06.2024

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Tsg

Note: Issue Order Copy on 14.06.2024



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4.The Public Prosecutor,
High Court, Madras.



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