



W.P.No.21401 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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... Petitioner

Vs.

The Superintendent of Prison,
Central Prison,
Puzhal, Chennai.

... Respondent

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 10 days emergency leave for petitioner's husband Rahuman S/o. Zakir Hussain aged 33 years, Convict No. 5249, Convict Prisoner, Central Prison, Puzhal.

For Petitioner : Ms.S.Nadhiya

For Respondent : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

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

This petition has been filed seeking direction to the respondent to grant 10 days emergency leave for petitioner's son Rahuman S/o. Zakir Hussain aged



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33 years, Convict No. 5249, Convict Prisoner, Central Prison, Puzhal, who was convicted for the offences under Sections 302 IPC and 148 IPC and sentenced to undergo Life Imprisonment by the III Additional Sessions Division Court, Chennai in SC.No.136/2010 dated 22.08.2012.

2. The learned counsel for the petitioner would submit that the convict prisoner has undergone 07 years 07 months and 02 days of imprisonment, including the remand set off period and the petitioner/mother of the convict prisoner seeks 10 days emergency leave for her son/convict prisoner to make arrangements for medical expenses and for the livelihood of their family.

3. The learned Additional Public Prosecutor has objected by stating that the convict had already availed 21 days leave without police escort from 17.02.2024 to 18.03.2024. Therefore, he is not eligible to avail emergency leave as per the application.

4. However, the learned Counsel for the petitioner would submit that the mother of the convict is serious and the medical documents are enclosed along with typeset of papers filed in the present petition.



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5. Though the medical reports furnished by the petitioner would not show any serious illness of the mother, we are inclined to grant 6 days emergency leave without escort to the convict prisoner to enable him to attend his mother.

6. Accordingly, the convict prisoner viz., Rahuman S/o. Zakir Hussain aged 33 years, Convict No. 5249, Central Prison, Puzhal is hereby granted Emergency Leave for a period of 6 days without escort commencing from **21.08.2024** on the following conditions.

(i) Respondent is directed to release the Convict Prisoner viz., Rahuman S/o. Zakir Hussain aged 33 years, Convict No. 5249, Central Prison, Puzhal on Emergency Leave for a period of **6 days** without escort commencing from **21.08.2024**.

(ii) The Convict Prisoner shall be released on 21.08.2024 at 10.00 a.m. and surrender before the Superintendent, Central Prison, Puzhal, Chennai – 600 066, on 27.08.2024 at 10.00 a.m.

(iii) The Convict Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities.



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7. Accordingly, the writ petition stands **disposed of**. No Costs.

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[S.M.S., J.]

[V.S.G., J.]

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Index: Yes/No

Speaking/Non-speaking order

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To

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

2.The Public Prosecutor,
Madras High Court,
Chenna - 104.



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