



WEB COPY



W.P.No.29137 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM :

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

W.P.No.29137 of 2024

Alisher

... Petitioner

Vs.

The Superintendent of Prisons,
Central Prison-1,
Puzhal, Chennai – 600 066.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records in the order dated 12.09.2024 passed by the respondent No.1 and quashing the same and directing the respondents to grant 15 days emergency leave for the petitioner namely Alisher S/o. Beermohammed aged 45 years, Convict Prisoner, Convict No.9998, Central Prison, Puzhal.

For Petitioner : Ms.S.Nadhiya

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



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ORDER

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

This petition has been filed seeking to call for the records in the order dated 12.09.2024 passed by the respondent and quash the same and direct the respondent to grant 15 days emergency leave for the petitioner namely Alisher S/o. Beermohammed aged 45 years, Convict Prisoner, Convict No.9998, Central Prison, Puzhal.

2. The rejection of leave application in the proceeding dated 12.09.2024 is sought to be assailed in the present writ petition. The reason stated in the impugned order is that the prisoner is not eligible to avail 15 days emergency leave as per the Rules.

3. The learned Additional Public Prosecutor would submit that the prisoner is eligible to avail six days emergency leave and thereafter an application is to be submitted for grant of three day leave and thereafter for three days.



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4. We found that there is no adverse conduct noticed against the prisoner in the prison. Considering the fact, we are inclined to grant six days emergency leave to the prisoner commencing from 8th October 2024 till 13th October 2024.

5. Accordingly, the convict prisoner viz., Alisher S/o. Beermohammed aged 45 years, Convict No.9998, Central Prison, Puzhal is hereby granted Emergency Leave for a period of 6 days without escort commencing from **08.10.2024** on the following conditions.

(i) Respondent is directed to release the Convict Prisoner viz., Alisher S/o. Beermohammed aged 45 years, Convict Prisoner, Convict No.9998, Central Prison, Puzhal, on Emergency Leave for a period of **6 days** without escort commencing from **08.10.2024**.

(ii) The Convict Prisoner shall be released on **08.10.2024** at 10.00 a.m. and surrender before the Superintendent, Central Prison, Puzhal on **14.10.2024** 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.

6. Accordingly, the impugned order dated 12.09.2024 passed by the



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respondent is quashed and the writ petition stands **allowed**. 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

dsa



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To

1. The Superintendent of Prisons,
Central Prison-1,
Puzhal, Chennai – 600 066
2. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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AND
V.SIVAGNANAM, J.

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