



WEB COPY



W.P.No.29130 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.29130 of 2024

Vahitha Banu

... 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-1,
Puzhal.

... Respondents

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 connected with impugned order dated 29.08.2024 passed by the second respondent and quash the same directing the respondents to grant emergency leave for 15 days without escort to the detenue, Zakir Hussain S/o. Husan Abdul Khadar aged 55 years bearing Convict No.2436 confined at Central Prison, Puzhal.



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For Petitioner : Mrs.S.Sadhana
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 to call for the records connected with impugned order dated 29.08.2024 passed by the second respondent and quash the same directing the respondents to grant emergency leave for 15 days without escort to the detenu, Zakir Hussain S/o. Husan Abdul Khadar aged 55 years bearing Convict No.2436 confined at Central Prison, Puzhal.

2. The rejection of leave application in the proceeding dated 29.08.2024 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 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., Zakir Hussain S/o. Husan Abdul Khadar, aged about 55 years, bearing Convict No.2436, a Convict Prisoner at 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., Zakir Hussain S/o. Husan Abdul Khadar, aged about 55 years, bearing Convict No.2436, a Convict Prisoner at 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.



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6. Accordingly, the impugned order dated 29.08.2024 passed by the 2nd

respondent is quashed and the writ petition stands **allowed**. No Costs.

[S.M.S., J.]

[V.S.G., J.]

03.10.2024

Index: Yes/No

Speaking/Non-speaking order

dsa



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To

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Chennai – 600 008.
- 2.The Superintendent,
Puzhal Central Prison-1,
Puzhal.
- 3.The Public Prosecutor,
Madras High Court,
Chennai - 104.



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