



WEB COPY



W.P.No.31210 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.31210 of 2024
and WMP.No.33847 of 2024

Meharunnisha

... Petitioner

Vs.

1.The State represented by its,
The Deputy Inspector General of Prison,
Coimabtoe Zone,
Coimabtoe.

2.The Superintendent,
Coimbatore Central Prison,
Coimbatore.

... 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 pertaining to the impugned order bearing No.17582/Tha.Ku.3/2024 dated 20.09.2024, passed by the 2nd respondent and quash the same and consequently direct the 1st respondent to emergency leave for 15 days without escort to the detainee, Mansoor Ahmed s/o.Mubarak aged 30 years convict prisoner, bearing convict No.23027 at central prison, Coimbatore.

For Petitioner : Ms.P.Bakiyaraj

For Respondents : Mr.R.Muniapparaj
Additional Public Prosecutor



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ORDER

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

The rejection of leave application by the Superintendent of Prison, Coimbatore Central Prison by the Proceeding No.17582/Tha.Ku.3/2024 dated 20.09.2024 is under challenge in the present writ proceedings.

2. The petitioner submitted an application seeking emergency leave on the ground that his the father of the detenue has to undergo urgent surgery as per medical advice.

3. The authorities have rejected the application on the ground that the petitioner has not stated that the father of the prisoner is in dangerous situation. However, the Probationer Officer in his report has stated that the father of the prisoner is undergoing treatment and as per the medical advice he has to undergo surgery. Further, no adverse conduct notice inside the prison and the learned counsel for the petitioner submitted that copy of the medical report, which would reveal that the father of the prisoner has to undergo surgery. It is informed that the date of surgery is fixed on 11.11.2024.



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4. Considering the fact that the father of the prisoner has been admitted in the hospital and the date of surgery is fixed on 11.11.2024, we are inclined to grant six days emergency leave. Consequently, the impugned order No.17582/Tha.Ku.3/2024 dated 20.09.2024 is quashed and the prisoner is granted emergency leave for 15 days, which is to be granted in four spells i.e., 6 days + 3 days + 3 days + 3 days from 08.11.2024 till 22.11.2024.

5. Accordingly, the convict prisoner viz., Mansoor Ahmed s/o.Mubarak aged 30 years bearing Convict No.23027 confined at Central Prison, Coimbatore, is hereby granted emergency leave for a period of **15 days**, without escort commencing from **08.11.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Mansoor Ahmed s/o.Mubarak aged 30 years bearing Convict No.23027 confined at Central Prison, Coimbatore on emergency Leave for a period of **15 days i.e., from 08.11.2024 to 22.11.2024.**

(ii) The Convict Prisoner shall be released on **08.11.2024** at 10.00 am and surrender before the Superintendent, Central Prison, Coimbatore, on **22.11.2024** at 05.30 p.m.



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(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.

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

Consequently, the connected Miscellaneous Petition is closed.

[S.M.S., J.]

[M.J.R., J.]

06.11.2024

Index: Yes/No
Speaking/Non-speaking order
tsh

To

1.The State represented by its,
The Deputy Inspector General of Prison,
Coimabtoze Zone,
Coimabtoze.

2.The Superintendent,
Coimbatore Central Prison,
Coimbatore.

3. The Public Prosecutor
High Court of Madras.



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