



WEB COPY



W.P.No.34197 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM :

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

W.P.No.34197 of 2024

Shamima

... Petitioner/Wife of the
detenu

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,
Puzhal - 600 066.

... 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 the impugned order dated 04.11.2024 passed by the second respondent and quash the same and direct the respondents to grant ordinary leave for 21 days without escort to the detenu, Syed Nawaz S/o. Syed Imam aged about 48 years bearing Convict No.8480 confined at Central Prison, Puzhal.



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For Petitioner : Ms.S.Sadhana
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

Rejection of leave application in proceedings dated 04.11.2024 passed by the second respondent is sought to be quashed in the present writ proceedings.

2. Heard the learned Counsel for the petitioner as well as the Additional Public Prosecutor for the respondents.

3. The prisoner himself is sick and taking treatment.

4. The learned Additional Public Prosecutor for the respondents on instructions made a submission that the reasons stated in the application is correct.

5. The prisoner is in actual imprisonment for about 3 years. The respondents though granted Ordinary Leave for 21 days to the prisoner but with escort.



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6. The learned Counsel for the petitioner would submit that the family of the prisoner is not in a position to meet out the escort expenses. More-so, the prisoner has to take treatment for his illness.

7. Considering the reasons stated in the application and taking note of the fact that the reasons stated is genuine, we are inclined to grant 15 days Ordinary Leave to the prisoner.

8. Accordingly, the impugned order passed by the second respondent in proceedings dated 04.11.2024 is hereby quashed and consequently, the convict prisoner viz., Syed Nawaz, S/o. Syed Imam, aged 48 years, bearing Convict No.8480, confined at Central Prison, Puzhal, Chennai is hereby granted Ordinary Leave for 15 days without escort commencing from 02.12.2024 on the following conditions:

i) Respondents are directed to release the convict prisoner viz., Syed Nawaz, S/o. Syed Imam, aged 48 years, bearing Convict No.8480, confined at Central Prison, Puzhal, Chennai on Ordinary Leave for a period of 15 days without escort commencing from 02.12.2024 to 16.12.2024.



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(ii) The Convict Prisoner shall be released on 02.12.2024 at 10.30 a.m. and surrender before the Superintendent, Central Prison, Puzhal, Chennai on 16.12.2024 at 05.30 P.M.

(iii) The Convict Prisoner shall appear before P-1, Puliyanthoppu Police Station, Chennai twice in a week i.e, on every Monday and Thursday at 11.00 a.m. during the period of leave.

(iv) 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.

9. Accordingly, the writ petition stands **allowed**. No Costs.

[S.M.S., J.]

[M.J.R., J.]

27.11.2024

Index: Yes/No

Speaking/Non-speaking order

veda



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To

1. The Deputy Inspector General of Prison,
Gandhi Irwin Road, Egmore,
Chennai - 600 008.
2. The Superintendent,
Puzhal Central Prison,
Puzhal - 600 066.
3. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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