



WEB COPY



W.P.No.36165 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.36165 of 2024

A.Benazir Banu

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whennels Road,
Egmore, Chennai – 600 008.

2.The Superintendent of Prison,
Central Prison – 1,
Puzhal, Chennai – 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 No.426196/Tha.Ku2/2024 dated 19.11.2024 passed by the second respondent and quash the same and consequently direct the respondent to grant 21 days ordinary leave to the petitioner's husband Alavutheen



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S/o.Samusudeen, aged 34 years, Convict Prisoner NO.5630 (PID 4578) now confined in the Central Prison-1, Puzhal, Chennai-66.

For Petitioner : Mr.P.Pugalenth

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

The rejection of leave application in proceedings dated 19.11.2024 is sought to assailed in the present writ proceedings.

2.The leave application submitted by the petitioner was rejected on the ground that on earlier occasion while availing emergency leave, the prisoner absconded on 05.05.2018 and he was arrested on 13.10.2021.

3.The wife of the prisoner filed an affidavit stating that she is working as a Teacher in Sri Rishab Jain Intellectual Disabled Special School at Virudhachalam, Cuddalore District. She admits that her husband absconded



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on earlier occasion while availing emergency leave and she further stated that her two children are studying in VIII Standard and I Standard respectively. The second son Shakin is having some breathing problem and therefore the presence of the prisoner is required for providing medical treatment. The wife of the prisoner further filed a sworn affidavit stating that if her husband comes on leave he will not abscond and he will return in the particular date. She made a promise in the affidavit that her husband will not commit any mistake or otherwise. Further, the prisoner is in actual imprisonment for about 6½ years.

4. Taking note of the sworn affidavit filed by the wife of the prisoner and considering the reason stated that the second son of the prisoner require medical treatment, we are inclined to consider the present petition. Accordingly, the impugned order dated 19.11.2024 stands modified and the prisoner is granted ordinary leave for 21 days without escort, on the following conditions:

- (1) The respondents are directed to release the Convict Prisoner viz., Alavutheen, S/o.Samsudeen, aged about 34 years, confined at Central Prison-1, Puzhal, Chennai-66, on Ordinary Leave for a



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period of twenty one (21) days without escort i.e., from 13.12.2024 to 02.01.2025.

- (2) The Convict Prisoner shall be released on 13.12.2024 at 10.00 A.M. and surrender before the Superintendent of Prisons, Central Prison-I, Puzhal, Chennai, on 02.01.2025 at 05.00 P.M.
- (3) The Convict Prisoner is directed to report before the Inspector of Police, Virudhachalam Police Station, Cuddalore District, daily at 11.00 A.M, during the period of leave.
- (4) During the leave period, the Convict Prisoner shall abide by all the conditions prescribed in the Jail Manual.
- (5) 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. With the above directions, this Writ Petition stands allowed. No costs.

[S.M.S., J.] [M.J.R., J.]
09.12.2024

Index : Yes/No
Neutral Citation : Yes/No
Speaking order / Non-speaking order

cse



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To

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2. The Superintendent of Prison,
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Puzhal, Chennai – 600 066.
3. The Inspector of Police,
Virudhachalam Police Station,
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4. The Additional Public Prosecutor,
Madras High Court.



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