



W.P(MD)No.17364 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.P(MD)No.17364 of 2024
and
W.M.P(MD)Nos.14920 & 14922 of 2024**

Saabeera Banu

... Petitioner

-VS-

- 1.The State Represented by its,
Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai.
- 2.The Superintendent of Prison,
Central Prison,
Madurai.
- 3.The Deputy Chairman,
Department of Prisons and Prison Reforms,
Madurai Zone,
Madurai.
- 4.The Superintendent of Police,
O/o.The Superintendent of Police,



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Surveyor Colony,
K.Pudur,
Madurai-625 007.

5.The Commissioner of Police,
Madurai City,
(R5 is suo motu impleaded vide Court
Order dated 26.07.2024)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned order in No.244/உத2/2024 dated 29.06.2024 passed by the respondent No.3 and quash the same and consequently direct the respondents 2 & 3 to grant ordinary leave for the period of 3 weeks to the petitioner's husband Ibrahim Sha.

For Petitioner : M/s.A.Rajini

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The present Writ Petition is filed challenging the impugned order passed by the third respondent, dated 29.06.2024 and quash the same and consequently, direct the respondents 2 & 3 to grant ordinary leave for the period of 3 weeks to the petitioner's husband Ibrahim Sha.



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2. The case of the petitioner is that her husband was convicted for the offence under Section 302 r/w 506(ii) of IPC and sentenced to undergo life imprisonment. Now the petitioner's son has applied for law college admission. The petitioner's husband has not spent much days with her children and his presence would provide her children and the entire family economic support to enroll her children in the college since he only known the sources that provide some economic support to her children's education and will also provide new strength and energy. Without her husband's presence, she could not mobilize fund for her children education. Therefore, the petitioner has made a representation on 14.06.2024 seeking ordinary leave for three weeks. The said request was rejected by the third respondent on 29.06.2024. Challenging the said rejection order, the petitioner has filed the present writ petition.

3. The impleaded 5th respondent had filed a counter objecting to grant leave.



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4. The learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner is involved in offences of communal nature. Further, the prisoner was also involved in yet another murder case and the same is also pending for trial in S.C.No.426 of 2018 before the VI Additional District and Sessions Judge, Madurai and the case stands posted on 27.08.2024 and there is also a threat to his life.

5. In reply, the learned counsel for the petitioner would submit that the prisoner was earlier granted leave to attend puberty function of his daughter and during such time he had complied with the conditions and nothing adverse has been brought against him. She would further submit that the prisoner is seeking leave for the purpose of his family and that he undertakes that he will not meet persons belonging to any organisation and not meet media or give interview to press.

6. Taking into consideration the request of the petitioner and also taking into sympathetic and humanitarian consideration, this Court is inclined to direct the second respondent to grant Ordinary leave for 7 days to the prisoner



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7. In the result,

(i) The writ petition is allowed.

(ii) The impugned order dated 29.06.2024, passed by the third respondent, is set aside.

(iii) The convict prisoner, namely, Ibrahim Sha, S/o.Mohamed Hanifa (C.P.No.5830) now confined under Central Prison, Madurai shall be granted ordinary leave for a period of seven (7) days.

(iv) He shall report back to the Superintendent of Prison, Central Prison, Madurai on completion of leave period.

(v) Necessary escort shall be provided to accompany the convict prisoner. The Inspector of Police, Silaimon Police Station shall shadow over the prisoner during the leave period.



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(vi) The escort charges shall be borne by the petitioner and if necessary, the same shall be adjusted from the income earned by the convict prisoner during the imprisonment period.

(vii) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities.

(viii) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the jail manual.

(ix) No costs. Consequently, connected miscellaneous petitions are closed.

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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[A.D.J.C., J.] [K.R.S., J.]
31.07.2024



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To:

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- 3.The Deputy Chairman,
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- 4.The Superintendent of Police,
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- 5.The Commissioner of Police,
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- 6.The Inspector of Police,
Silaimon Police Station.



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AND
K.RAJASEKAR, J.

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