



W.P(MD)No.26766 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.P(MD)No.26766 of 2024

Shabira Banu

... Petitioner

Vs.

1.The Deputy Inspector General of Prison,
Office of the Deputy Inspector of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.

2.The Superintendent of Prison,
Office of the Superintendent of Prison,
Central Prison, Madurai.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai.

4.The Commissioner of Police,
Madurai City.

... Respondents

*(R4 is suo motu impleaded vide order dated
11.11.2024 in W.P.(MD)No.26766 of 2024 by
GRSJ & RPJ).*

Prayer : Writ Petition filed under Article 226 of the Constitution of
India, praying this Court to issue a Writ of Certiorified Mandamus, to set



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aside the impugned order in 735/U.tha.2/2024 dated 24.10.2024 quash the same as bad in law and further direct the respondent Nos.1 and 2 to grant ordinary leave for the petitioner's husband for the period of 30 days who is a life convict namely, Ibrahimsha CP.No.5830 by considering the petitioner's representation dated 05.10.2024.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor.

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The petitioner's husband is undergoing life sentence in Central Prison, Madurai (Convict No.5830). The petitioner sought ordinary leave for her husband. It was rejected vide order dated 24.10.2024 by the Jail Superintendent. Questioning the same, this writ petition has been filed.



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3.It is not in dispute that yet another murder case is pending trial against the petitioner's husband in S.C.No.426 of 2018 on the file of the V Additional District and Sessions Court, Madurai. Therefore, ordinary leave cannot be granted to the petitioner's husband. We, therefore, sustain the order impugned in this writ petition.

4.However, taking into account the special facts and circumstances set out in the affidavit filed in support of writ petition, we direct the second respondent to grant emergency leave for the petitioner's husband for a period of seven days (7) with double escort.

5.The writ petition is disposed of on the following conditions:-

(a)The convict-prisoner, Ibrahimsha, S/o.Mohammed Haniffa [Convict No.5830] now detained in the Central Prison, Madurai is granted emergency for seven (7) days from 09.12.2024 to 15.12.2024 without double escort.

(b) The convict prisoner shall be released from the prison at 05.00 p.m., on 08.12.2024 and he shall return to the prison at 10.00 a.m., on 16.12.2024.



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(c) The Superintendent of Police, Madurai Rural is directed to provide double escort to the convict from the Central Prison at the time when he leaves the prison and till such time, he returns to the prison. It is clarified that the cost involved in providing escort shall be deducted from out of the earnings of the convict.

(d) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual. No costs.

(G.R.S. J.) & (R.P. J.)
04.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Issue order copy on 05.12.2024.

To:-

- 1.The Deputy Inspector General of Prison,
Office of the Deputy Inspector of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.
- 2.The Superintendent of Prison,
Office of the Superintendent of Prison,
Central Prison, Madruai.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai.

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4.The Commissioner of Police,
Madurai City.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Superintendent of Police,
Madurai Rural,
Madurai District.



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and
R.POORNIMA, J.**

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