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W.P.(MD)NO.27221 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.P.(MD)No.27221 of 2024

Aysha Fathima

... Petitioner

Vs.

1. The Deputy Inspector General of Prison,
O/o.The Deputy Inspector General of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.
2. The Superintendent of Prison,
Central Jail,
Madurai.
3. The Commissioner of Police,
O/o.The Commissioner of Police,
Chennai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in 2923/தகு.2/2024 dated 29.10.2024, quash the same as illegal and consequently direct the respondents to grant ordinary leave to the period of 30 days to the petitioner's father namely Sulaiman Hussain @ Neyas Khan @ Abdul Rajak (PID No.299381)(C.P.No.801) who is convicted in an economic



offence case and is languishing Central Prison, Madurai for the past four years by considering the petitioner's representation dated 08.10.2024.

For Petitioner : Mr.SMA.Jinnah

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

* * *

ORDER

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The petitioner's father (C.P.No.801) is undergoing seven years imprisonment in Central Prison, Madurai. The petitioner states that her mother is suffering from serious ailments and that therefore, in the interest of justice, her father may be granted ordinary leave. The request was rejected vide order dated 29.10.2024 by the second respondent. Questioning the same, this writ petition has been filed.

3. The learned Additional Public Prosecutor pointed out that apart from the case in which the petitioner's father has been convicted and sentenced, three other cases are pending against him. It is seen that



the petitioner's father is facing prosecution in the States of Karnataka and Maharashtra. However, taking note of the overall facts and circumstances of this case, we grant five days emergency leave for the convict with two escorts.

4. Accordingly, the convict prisoner is granted emergency leave for 5 days with two escorts on the following conditions :-

(a) The convict prisoner, Sulaiman Hussain @ Niyaz Khan @ Abdul Rasak, S/o. Abdul Miyar [Convict Prisoner No.801], now detained in the Central Prison, Madurai, is granted emergency leave for five (5) days from 18.11.2024 to 24.11.2024.

(b) The convict prisoner shall be released from the prison at 10.00 a.m., on 18.11.2024 and he shall return to the prison at 5.00 p.m., on 24.11.2024.

(c) During the said leave period, he shall report before the Inspector of Police, Perungudi police station, Perungudi, Chennai daily at 10.00 a.m., from 19.11.2024 onwards, without fail.

(c) The second respondent is directed to provide two escorts 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 two escorts shall be borne by the petitioner's family.



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(d) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual.

8. With the above direction, this Writ Petition stands disposed of. No costs.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
14th November 2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



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To:

1. The Deputy Inspector General of Prison,
O/o.The Deputy Inspector General of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.
2. The Superintendent of Prison,
Central Jail,
Madurai.
3. The Commissioner of Police,
O/o.The Commissioner of Police,
Chennai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to :

The Inspector of Police,
Perungudi police station,
Perungudi, Chennai.



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G.R.SWAMINATHAN,J.

AND

R.POORNIMA, J.

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