



W.P.No.14620 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

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MAHABOORBEE

...Petitioner/ mother of the detenue

Vs.

1. The Inspector General Of Prison
Central Prison, Kalapattu,
Puducherry 605 014.

2. The Chief Superintendent of Jails,
Government Of Puducherry,
Jail Department, Puducherry

3. The Superintendent Of Prison
Central Prison Kalapattu,
Puducherry 605 014.

4. The Inspector Of Police
Thirubuvanavai Police Station,
Nettapakkam, Puducherry
Cr No. 109/2017.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents to grant ordinary leave for a period of 30 days to the petitioner's son Mohammed Hussain, son of Mohammed Jafarullah, Prisoner No. 4976,



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confined at central prison, Kalapet, Puducherry, based upon the application of the petitioner dated 26.11.2024 and 14.04.2025 to make financial and other arrangements for the throat surgery of his father, eye treatment for the petitioner and also for the legal arrangements to defend the case filed by the wife of the prisoner.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.Ramachandramurthy
Government Advocate,
Puducherry

ORDER

M.S.RAMESH, J.

and

V.LAKSHMINARAYANAN, J.

This writ petition has been filed to direct the respondents to grant ordinary leave for a period of 30 days to the petitioner's son, Mohammed Hussain, son of Mohammed Jafarullah, Prisoner No. 4976, confined at central prison, Kalapet, Puducherry, based upon the representations of the petitioner dated 26.11.2024 and 14.04.2025 seeking to make financial and other arrangements for the throat surgery of his father, eye treatment for the petitioner and also for the legal arrangement to defend the case filed by the wife of the prisoner.



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2. Heard the learned counsel on either side and perused the documents.

3. The petitioner herein seeks for grant of 30 days of ordinary leave, without escort, on the ground that the convict prisoner's father has been diagnosed with the symptoms of throat cancer and the doctors have advised him to undergo throat surgery, for which, the presence of the prisoner is required to arrange funds for the treatment. Further, the petitioner, the mother of the convict prisoner, has recently undergone surgery on her eyes and was unable to take care of her husband.

4.The learned Additional Public Prosecutor, on instructions, submitted that the Probation Officer has not recommended for grant of leave as the reason assigned by the petitioner is untrue. He would submit that the prisoner is otherwise eligible for 6 days of emergency leave.

5. Although the Probation Officer has not recommended for grant of leave, considering the medical requirement of the prisoner's father and mother, we are inclined to grant emergency leave for a period of 6 days



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in exercise of our powers under Article 226 of the Constitution of India.

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6. Accordingly, the detenue viz., Mohammed Hussain, son of Mohammed Jafarullah, Prisoner No. 4976, confined at central prison, Kalapet, Puducherry, is hereby granted emergency leave for a period of 6 days, without escort, commencing from 10.00 am on 11.07.2025 to 5 pm of 16.07.2025. On expiry of the ordinary leave, the detenu shall surrender before the prison authorities. During the period of leave, the petitioner shall report before the Inspector of Police, Thirubuvani Police Station, daily at 05.00 p.m. 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.

7. Accordingly, the Writ Petition stands allowed. No costs.

[M.S.R., J] [V.L.N., J]

04.07.2025

Index: Yes/No

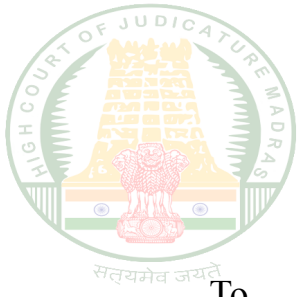
Speaking/Non-speaking order

Neutral Citation: Yes/No

Anu

Note: Issue Order Copy on 10.07.2025

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To
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Puducherry 605 014.

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Jail Department, Puducherry

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5. The Inspector of Police,
Thirubuvani Police Station

6. The Public Prosecutor,
High Court, Madras.



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and
V.LAKSHMINARAYANAN, J.

Anu

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