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W.P.No.38708 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

and

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.38708 of 2024
and W.M.P.No.41908 of 2024

Sumaiya Banu

... Petitioner

Vs.

1.The Secretary to Government of Tamilnadu
Department of Home
Fort St. George
Chennai 600 009

2.The Deputy Inspector General of Prison and
Director General of Police
Whannels Rd, Ansari Estate
Egmore, Chennai

3.The Deputy Inspector General of Prison
Coimbatore Zone
Coimbatore District

4.The Superintendent
Central Prison
Coimbatore

... Respondents



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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 made in the impugned order in No.308/Tha U 2 /2024 and No.15050/TaKu.3/2024 dated 20.11.2024 and passed by the 3rd and 4th respondent, and quash the same and direct the respondents to grant ordinary leave 30 days without escor to the petitioner's husband namely Yaser Arafath, S/o.Jahir Hussain, Convict No.22299, Convict Prisoner, Central Prison, Coimbatore, in pursuant to petitioner's representation dated 09.09.2024.

For Petitioner : Mr.A.Saranraj

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

M.S.RAMESH, J.
AND
N.SENTHILKUMAR, J.

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, to call for the records made in the impugned order in No.308/Tha U 2 /2024 and No.15050/TaKu.3/2024 dated 20.11.2024 and passed by the 3rd and 4th respondent, and quash the same and direct the respondents to grant ordinary leave 30 days without



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escor to the petitioner's husband namely Yaser Arafath, S/o.Jahir Hussain, Convict No.22299, Convict Prisoner, Central Prison, Coimbatore, in pursuant to petitioner's representation dated 09.09.2024.

2. The learned counsel for the petitioner submitted that the petitioner is the wife of the convict prisoner and she is pregnant now. She requires to visit the hospital more frequently due to her pregnancy. The petitioner is struggling for financial assistance to take treatment. The petitioner's father in law is also suffering from high blood pressure, diabetes and heart ailment. In these circumstances, the family requires the presence of the petitioner's husband to mobilize necessary funds for the medical expenses. Therefore, the petitioner made a representation to the respondents on 09.09.2024 and 14.11.2024, which was rejected by the 3rd and 4th respondents vide order dated 20.11.2024.

3. Learned Additional Public Prosecutor has produced a report of the Probation Officer dated 18.09.2024, which is in favour of the life convict. He has stated that the reason for leave is genuine. The convict



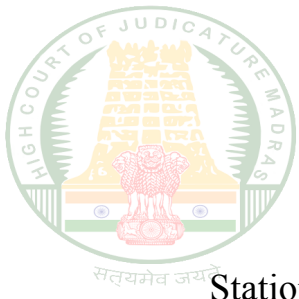
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prisoner's wife is pregnant and they are in need of money to take treatment. and at the same time the Probation Officer has stated that the leave was rejected as per the order of the Deputy Inspector General of Prisons, Coimbatore Range No.308/AA2/2024 dated 20.11.2024.

4. It is seen from the report that this Court has granted 21 days leave vide order of this Court in W.P.No.14758 of 2024 dated 28.06.2024 from 04.07.2024 to 25.07.2024. Since the Probation Officer has recommended for grant of ordinary leave to the convict prisoner, we are inclined to grant 10 days leave to the convict prisoner.

5. This Writ Petition stands allowed accordingly. The impugned proceedings of the 3rd and 4th respondent dated 20.11.2024 is hereby quashed. Consequently, there shall be a direction to the respondents herein, to grant 10 days ordinary leave **“without escort”** to the life convict viz. Yaser Arafath, S/o.Jahir Hussain, aged about 34 years, Life Convict No.22299, commencing from 27.02.2025 to 08.03.2025, with a condition that the life convict shall report before the jurisdictional Police



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Station, daily at 10.30 a.m. After expiry of the Ordinary Leave, the life convict shall surrender before the Jail Authority on 09.03.2025 before 10.00 a.m. The prisoner shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities.

6. With the above direction, the Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

[M.S.R, J.]

[N.S, J.]

19.02.2025

Index : Yes / No

Neutral Citation

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Note: Issue Order Copy on 24.02.2025

To.

1.The Secretary to Government of Tamilnadu
Department of Home
Fort St. George
Chennai 600 009



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M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

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5.The Public Prosecutor
High Court of Madras
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