



W.P.Crl.No.1280 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2025

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

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A.Benazir Banu
W/o.Alavutheen,
No.11, Mariyamman Kovil Street, Pudupettai,
Virudhachalam, Cuddalore District - 606001.

Petitioner(s)

Vs

The Superintendent of Prison,
Central Prison-1, Puzhal,
Chennai - 600 066.

Respondent(s)

Writ Petition (Criminal) filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records No.CP-PU1/3216/2025-R2 dated 14.10.2025 passed by respondent and quash the same and consequently direct the respondent to grant 6 days emergency leave to the petitioner's husband Alavutheen, S/o.Samsudeen,



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aged 35 years, Convict Prisoner No.5630, now confined in the Central Prison-I, Puzhal, Chennai -66.

For Petitioner(s) : Mr.P.Pugalenth

For Respondent(s) : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(made by N.Sathish Kumar, J.)

The present writ petition (criminal) has been filed calling for the records pertaining to the order dated 14.10.2025 in No.CP-PU1/3216/2025-R2 passed by the respondent and quash the same and consequently direct the respondent to grant 6 days emergency leave to the petitioner's husband Alavutheen, S/o.Samsudeen, aged 35 years, Convict Prisoner No.5630, now confined in the Central Prison-I, Puzhal, Chennai -66.

2. It is the case of the petitioner that she is the wife of the convict prisoner viz. Alavutheen, S/o.Samsudeen, aged 35 years, Convict Prisoner No.5630, detained at the Central Prison, Puzhal; the respondent has passed an order dated 14.10.2025 rejecting 6 days emergency leave sought by her on the ground that on earlier occasion, while availing emergency leave, the



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convict prisoner had absconded on 05.05.2018 and thereafter arrested on 13.10.2021 and therefore, as per rules, he is not entitled to emergency leave, challenging which, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner's son is suffering from breathing issues and therefore, in order to give medical facilities to her son, the petitioner's husband's presence is very much necessary. Hence, he seeks emergency leave.

4. A perusal of the medical certificate annexed in this petition shows that the petitioner's son is undergoing treatment for breathing issues. It is seen from the records that a Division Bench of this Court, *vide* order dated 09.12.2024, has granted 21 days ordinary leave for the petitioner's husband without escort.

5. *Ergo*, considering the fact the petitioner's son is suffering from breathing issues and the doctor has advised to continue with the treatment, we are of the view that the convict prisoner can be granted six days emergency



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leave as per Rules 6 and 13 of Tamil Nadu Suspension of Sentence Rules,

1982.

6. In such view of the matter, the impugned order dated 14.10.2025 in No.CP-PU1/3216/2025-R2 is set aside and the convict prisoner *viz.* Alavutheen, S/o.Samsudeen, aged 35 years, Convict Prisoner No.5630, detained at the Central Prison, Puzhal-I, is granted six days emergency leave **from 01.12.2025 to 06.12.2025** without escort with a condition that the convict prisoner shall report before the jurisdictional police *i.e.* Virudhachalam Police Station, Cuddalore District, daily at 10.30 a.m. After expiry of the emergency leave, the convict prisoner shall surrender before the prison authorities on or before **10.00 am on 07.12.2025**. The convict prisoner shall utilize the leave only for the purpose, for which, it has been granted and shall not indulge in any other activities.

With the above directions, this writ petition (criminal) stands disposed of.

(N.S.K., J.) (M.J.R., J.)
24.11.2025

nsd

Note: Issue copy of this order on 25.11.2025.



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WEB COPY To

- 1.The Superintendent of Prison
Central Prison, Puzhal, Chennai
- 2.The Inspector of Police
Virudhachalam Police Station
Cuddalore District
- 3.The Public Prosecutor
Madras High Court, Chennai – 600 104



WEB COPY



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and
M.JOTHIRAMAN, J.

nsd

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