



W.P (MD) No.14732 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

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Sajina

... 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,
O/o. The Superintendent of Prison,
Central Prison,
Madurai.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Kollam, Kerala.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order in No.17587 / Thaku.3/ 2025 dated 06.05.2025 issued by the respondent No. 2 and quash the same and further direct the respondent Nos.1 and 2 to grant the

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emergency leave for the period of days without escort to his husband who is a convict prisoner namely “Muthalif who is languish in Madurai Central Prison by considering the petitioner's representation dated 24.04.2025.

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

For Respondents : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

The order dated 06.05.2025, passed by the second respondent, rejecting the petitioner's request for grant of ordinary leave, is under challenge in this writ petition.

2. The case of the petitioner is that her 4 years old child is suffering from Umbilical Hernia and that her husband has to come out from prison to arrange fund for surgery from his relatives and friends. Hence, she sent a representation to the respondents, but the same was rejected by them. Hence, the petitioner has filed the present Writ Petition.



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3. The learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that the petitioner's husband has been convicted under the NDPS Act, which is a commercial quantity. He further submitted that the petitioner's husband has to undergo imprisonment for 10 years and after conviction, he is in prison only for five months and hence, the petitioner's representation seeking for emergency leave was rejected. He further submitted since the petitioner has not produced sufficient medical records of the child, earlier petition filed by her in W.P(MD).No.14011 of 2025 was withdrawn by her.

4. When the matter was taken up for hearing on 09.06.2025, this Court directed the learned Additional Public Prosecutor to verify whether the medical records enclosed in typed set of papers in page Nos.14 to 24 are genuine. Today, the report of the District Probationary Officer, Kollam, dated 21.06.2025 has been filed, wherein it has been stated that the medical reports attached are genuine and that the petitioner's child viz., Riya Fathima, needed urgent Medical care and treatment as she is having multi ailments.



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5. Taking into consideration of the medical emergency and also taking into consideration of the sympathetic consideration, we are inclined to direct the respondents to grant six days emergency leave with sufficient escort to the petitioner's husband to arrange medical expenses for her daughter.

6. Accordingly, the writ petition is disposed of with the following directions:

- (i) The respondents are directed to grant six days ordinary leave to the petitioner's husband, namely, Muthalif, Convict Prisoner No. 2811 from 26.06.2025 to 01.07.2025.
- (ii) He shall report back to the Superintendent of Prison, Central Prison, Madurai / second respondent, by 02.07.2025 at 10.30 a.m.,
- (iii) Necessary escort shall be provided by the Commissioner of Police, Madurai City to accompany the convict prisoner;
- (iv) The escort charges shall be borne by the petitioner and if necessary, the same shall be adjusted from the income earned by the convict prisoner during the imprisonment



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period.

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along with a copy of this order, before the jail authorities,

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

(vii) No costs.

[A.D.J.C., J.] & [R.P., J.]
23.06.2025

NCC : Yes / No

Index : Yes / No

trp / aav

Note: Issue order copy on 24.06.2025

To

1.1. 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,
O/o. The Superintendent of Prison,
Central Prison,
Madurai.

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3.The Superintendent of Police,
Office of the Superintendent of Police,
Kollam, Kerala.

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



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A.D.JAGADISH CHANDIRA, J.

AND

R.POORNIMA, J.

trp/aav

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