



WP CrL.(MD) No.940 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.08.2025

CORAM:

THE HONOURABLE **MR.JUSTICE A.D.JAGADISH CHANDIRA**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

WP CrL.(MD)No.940 of 2025

Aysha

... Petitioner

-Vs-

1.The Deputy Inspector General of Police,
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 City.

4.The Inspector of Police,
Central Bureau of Investigation,
III Floor, EVK Sampath Building,
College Road,
Chennai – 600 006.

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5. The Inspector of Police,
Thuraipakkam Police Station,
Chennai City.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to extend the emergency leave for the period of 10 days to the petitioner's father namely Sulaiman Hussain @ Niyas Khan @ Abdul Rasak (PID No.299381) (C.P.No.801) by considering the representation, dated 10.08.2025.

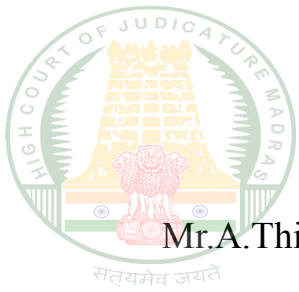
For Petitioner : Mr.S.M.A. Jinnah
For Respondents : Mr.B.Nambi Selvan,
Additional Public Prosecutor

ORDER

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

This writ petition has been filed for issuance of a writ of Mandamus directing the respondents 1 and 2 to extend the emergency leave for the period of 10 days to the petitioner's father namely Sulaiman Hussain @ Niyas Khan @ Abdul Rasak (PID No.299381) (C.P.No.801) by considering the representation, dated 10.08.2025..

2. Heard Mr.S.M.A.Jinnah, learned counsel for the petitioner and



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Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that this Court by order, dated 01.08.2025 in W.P CrL.(MD).No.640 of 2025 had granted three days emergency leave to the convict prisoner to arrange the funds for surgery and other medical needs of his wife and the convict prisoner was directed to go along with single escort. He would further submit that the petitioner had left the prison on 10.08.2025 at 6.00 am and thereafter, the 2nd respondent by its proceeding No.R2/801/2025, dated 09.08.2025 had directed the respondent Police the convict prisoner to be brought back to the prison at 5.00 pm on 12.08.2025. He would further submit that Rule 36 says that the period of transit should be excluded. However without considering the same, the respondents have directed the convict prisoner to be brought to the prison on 12.08.2025 at 5.00 pm. He would further submit that the date of surgery to the convict prisoner's wife is not yet fixed and thereby, taking into consideration of the serious condition of his wife, would seek for further extension of leave for three days.

4. The learned Additional Public Prosecutor would submit that the



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convict prisoner has been allowed to leave the prison on 10.08.2025 at 6.00 am and as per Rule 36 of the Tamil Nadu Suspension of Sentence Rules, the day of release and the day of re-admission to prison are both counted as part of the imprisonment period, but the time spent on leave (both emergency and ordinary) is not counted towards the sentence.

5. Taking into consideration of the fact that the convict prisoner's wife is suffering from Achalsla Cardia and that the date of surgery is not yet fixed, for the emergency purpose, the leave already granted by this Court is extended for a further period of three days. The Convict prisoner shall be brought back to the prison on 17.08.2025 at 6.00 am.

6. This Writ Petition is disposed of accordingly. No costs.

[A.D.J.C., J.] & [R.P., J.]
12.08.2025

NCC : Yes / No
Index : Yes / No
trp

Note : Issue order copy on 12.08.2025



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



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