



WP CrL.(MD) No.1002 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.08.2025

CORAM:

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

AND

THE HONOURABLE **MRS JUSTICE L.VICTORIA GOWRI**

WP CrL.(MD)No.1002 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 15 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 13.08.2025.

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.)

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 a period of 15 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 13.08.2025.

2. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.



3. The learned counsel appearing for the petitioner would submit that taking into consideration that the petitioner's wife was admitted for cancer treatment, this Court had granted emergency leave to the convict prisoner for 3 days in W.P.CrL.(MD)No.640 of 2025 dated 01.08.2025. Pursuant to the same, the convict prisoner had left the prison on 10.08.2025 at 06.00 a.m., along with escort and he was at Chennai. Since the date was not fixed for surgery, the petitioner had filed W.P.CrL(MD)No.940 of 2025 and this Court, by order dated 12.08.2025, had extended the emergency leave for further period of 3 days and also directed the convict prisoner to be brought back to the prison at 05.00 p.m on 12.08.2025. He would further submit that the hospital authorities have not fixed the surgery of the convict prisoner's wife on 19.08.2025 and the presence of the convict prisoner is very much essential to take care of his ailing wife. Hence, he would seek emergency leave may be extended for a further period of 15 days.

4.The learned Additional Public Prosecutor appearing for the respondents on instructions, would submit that it is true that the convict prisoner's wife was admitted in Sri Ramachandra Hospital and the date of surgery has been fixed on 19.08.2025, however the emergency leave cannot be granted at a stretch as per rules.



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5. Though rules does not provide for, it would not denude the powers of this Court.

6. Taking into consideration of the fact that the convict prisoner's wife is suffering from Achalsla Cardia and that the date of surgery has been fixed on 19.08.2025, for the emergency purpose, the emergency leave already granted by this Court is extended till 20.08.2025. The convict prisoner shall be brought back to the prison on 21.08.2025 at 06.00 a.m.

7. In view of the above, this Writ Petition is disposed of accordingly.

No costs.

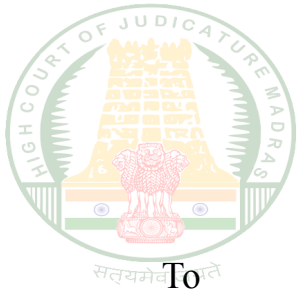
[A.D.J.C., J.] & [L.V.G., J.]
14.08.2025

NCC : Yes / No

Index : Yes / No

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Note : Issue order copy on 14.08.2025



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



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