

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM
W.P.No.24040 of 2018

Bairoja Ali

...Petitioner

vs.

1.The Additional Director General
of Police (Prison),
Chennai.

2.The Superintendent,
Central Prison,
Puzhal-I, Chennai.

3.State, rep. by,
The Intelligence Officer,
Narcotics Control Bureau,
Madurai Sub-Zone,
Madurai.

NCB F.No.48/1/01/2013-NCB/MDU

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first and second respondents to classify the petitioner's husband Shaukath Ali @ Malaysia Ali, S/o.Khan Mohammed, convicted prisoner as Class "A" prisoner under the second respondent, by considering the representation of the petitioner's dated 14.07.2018 within a stipulated time.

For Petitioner :Mr.S.Arunachalam
M/s.Arunachalam Associates

For Respondents :M/s.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondent Nos.1 and 2 to classify the petitioner's husband Shaukath Ali @ Malaysia Ali, S/o.Khan Mohammed, convicted prisoner as Class "A" prisoner, by considering the representation of the petitioner dated 14.07.2018.

2. The learned counsel for the petitioner has submitted that the petitioner's husband was convicted by the Additional District and Sessions Judge, Special Court for E.C and NDPS Act Cases, Pudukkottai in C.C.No.44 of 2013, by the Judgment dated

09.03.2018, under Section 8(c) r/w 22(c) r/w Section 29 of NDPA Act and sentenced to the petitioner to undergo 20 years Rigorous Imprisonment and to pay a fine of Rs.1,00,000/- in default to undergo three years rigorous imprisonment, under Sections 9(A) r/w section 25A of NDPS Act and sentenced him to undergo 10 years Rigorous imprisonment and to pay a fine of Rs.1,00,000/- in default to undergo three years rigorous imprisonment, under Section 8(c) r/w 22(c) r/w section 28 of NDPS Act and sentenced him to undergo 10 years rigorous imprisonment and to pay a fine of Rs.1,00,000/- in default to undergo three years rigorous imprisonment, totally Rs.3,00,000/- was imposed as fine. As against the said conviction and sentence, the petitioner's husband has preferred an appeal before this Hon'ble Court and the same is pending in Crl.A.(MD) No.143 of 2018. The learned counsel for the petitioner has further submitted that the petitioner's husband is an Income tax assessee and he paid income tax from 2003 to 2012, and since the petitioner's husband was arrested in the year 2013 thereafter, he could not file income tax return. He further submitted that, since the petitioner's husband is an income tax assessee, he is entitled for classification of Class "A" prisoner but, he was not provided the benefits which are available for class "A" prisoner and hence, the petitioner has submitted a representation to the respondents on 14.07.2018, but, so far, no action has been taken.

3. The learned Additional Public Prosecutor has submitted that, as on date the petitioner's husband is not an income tax assessee and therefore, he is not eligible to get the benefits of Class "A" prisoner. However, she has fairly conceded that the said representation is still pending before the second respondent.

4. Considering the above said submissions, the second respondent is directed to enquire the said representation after giving opportunity to the petitioner and dispose of the same in accordance with law and inform to the petitioner as well as her husband about the result of the enquiry within the period of 15 days from the date of receipt of a copy of this order.

5. With the aforesaid directions, this Writ Petition is disposed of.

Sd/-
Assistant Registrar

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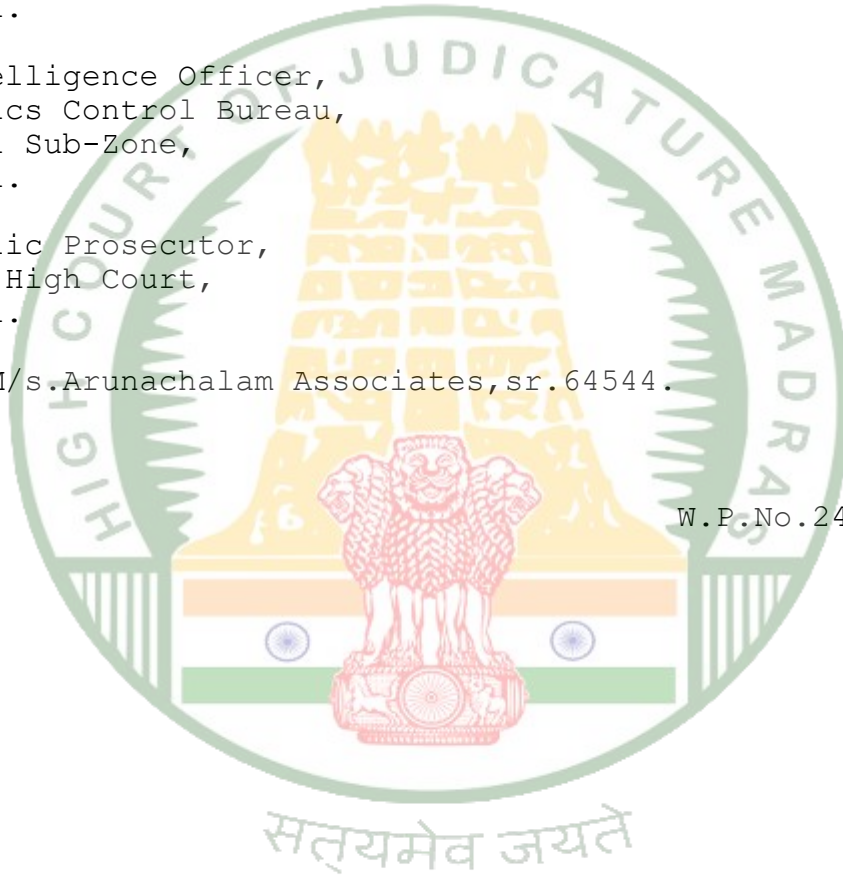
Sub Assistant Registrar

To

- 1.The Learned Additional District and Sessions Judge,
Special Court for E.C and NDPS Act cases,
Pudukkottai.
 - 2.The Additional Director General of Police (Prison),
Chennai.
 - 3.The Superintendent,
Central Prison,
Puzhal-I,
Chennai.
 - 4.The Intelligence Officer,
Narcotics Control Bureau,
Madurai Sub-Zone,
Madurai.
 - 5.The Public Prosecutor,
Madras High Court,
Chennai.
- +1 cc to M/s.Arunachalam Associates,sr.64544.

Pa(co)
krd 23/10

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