

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2019

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Writ Appeal No.866 of 2019

Anees Unnisha

... Appellant/Petitioner

-Vs-

1. State represented by
The Deputy Inspector General of Police
Prisons Department, Egmore, Chennai-8.
2. The Superintendent of Police
Central Prison, Puzhal-III, Chennai
3. The Superintendent of Police
Central Prison, Vellore.

... Respondents/Respondents

Prayer : Writ Appeals under Clause 15 of the Letters Patent against the order passed in W.P.No.2483 of 2019 dated 06.02.2019.

W.P.No.2483 of 2019:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to property grant 15 days emergency leave to the husband of the Petitioner Sathiq Basha S/o. Saleem Basha presently held at Central Prison, Vellore , in order to save the life of my seriously ailing father in law.

For Appellant : Mr.A.R.L.Sundaresan
Senior Counsel for Mr.R.Rajan

For Respondents: Ms.R.Janaki, Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by T.S.SIVAGNANAM, J.)

Heard Mr.A.R.L.Sundaresan learned Senior Counsel, for M/s.R.Rajan, learned counsel for the appellant and Ms.R.Janaki, learned Additional Government Pleader for the respondents.

2. This appeal is directed against the order in W.P.No.2483 of 2019, wherein the relief sought for was a direction to the respondent police to grant 15 days emergency leave to the appellant's husband Sathiq Basha, presently confined in the Central Prison, Vellore in connection with the conviction in C.C.No.45 of 2015 under the NDPS Act by the judgment learned Principal Special Judge, Chennai . By the said judgment dated 24.07.2018, the appellant's husband was sentenced to 10 years rigorous imprisonment and a fine of Rs.1,00,000/-.

3. In our prima facie view, the appellant is indirectly seeking for granting bail to her husband, which is not permissible in the light of the bar under Section 37 of the Act. It is always open to the appellant to approach the competent authorities or approach the Division Bench, before which the criminal appeal is pending. Learned Senior Counsel appearing for the appellant submits that the appellant can also avail the remedy by filing Habeas Corpus Petition. It is for the learned Senior Counsel for the appellant to advise his client as to what remedy she has to seek. With the above observations, the writ appeal is dismissed. No costs.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Principal Special Judge, Chennai.
2. The Deputy Inspector General of Prisons
Prisons Department, Egmore, Chennai-8.
3. The Superintendent of Police
Central Prison, Puzhal-III.
4. The Superintendent of Police
Central Prison, Vellore.

+1 CC to Mr.R.Rajan, Advocate sr 41134.
+1 CC to Govt. Pleader sr 41922

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CNR(CO)
SP(09/05/2019)