

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16..08..2019
CORAM

The Honourable Mr Justice M.M.SUNDRESH
and
The Honourable Mr Justice M.NIRMAL KUMAR

Habeas Corpus Petition No.1682 of 2019

Anees Unnissha

... Petitioner

-Versus-

1.The Deputy General of Prison,
Prison Department,
Gandhi Irwin Road,
Egmore, Chennai 600008.

2.The Superintendent of Prison,
Central Prison, Vellore.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the 2nd respondent to produce the petitioner's husband Sathiq Basha, Son of Saleem Basha, who is presently lodged in Central Prison, Vellore, before this court and direct the 2nd respondent to grant parole to the convict for 30 days.

For Petitioner : Mr.R.Rajan

For Respondents : Mr.C.Iyyappa Raj, APP for
RR1 and 2

ORDER

[Order of the court was made by Justice M.M.SUNDRESH]

The petitioner is the wife of the convict, who has been under incarceration for having committed offence under the provisions of The Narcotic Drugs and Psychotropic Substances Act. Ordinary Leave has been sought for on the premise that the convict will have to make arrangements for fixing marriage of his sister.

2. Heard both sides.

3. The learned Additional Public Prosecutor, on instructions, submitted that though the fact is not in dispute, the authorities have considered Emergency Leave only for 3 days.

4. We find that the convict will have to be given 15 days of ordinary leave inasmuch as the purpose for leave is not in dispute.

5. According, we direct the respondents to grant ordinary leave to the convict for 15 days subject to the usual conditions that can be imposed by the respondents. The convict shall be released from the prison at 10.00 a.m. on 21.08.2019 and that the convict shall return back to the prison at or before 05.00 p.m. on 06.09.2019. The convict shall be accompanied by adequate escorts. We make it clear that the day on which the convict is released from the prison and the day on which he is readmitted will have to be excluded from the leave.

6. In the result, the Habeas Corpus Petition is disposed of with the above directions.

List this matter on 12.09.2019 for reporting compliance.

BIENG MENTIONED

The Habeas Corpus Petition having been posted on 22.08.2019 under the caption "For Being Mentioned" for order pursuant to the order of the Court dated 16.08.2019 and made herein in the presence of the aforesaid advocates, the Court made the following order:-

(Order of the Court was made by M.M.SUNDRESH, J.)

This matter is listed today under the caption 'for being mentioned' at the instance of the learned Additional Public Prosecutor.

2.Learned Additional Public Prosecutor submitted that the convict has already been granted emergency leave for three days and therefore, he may be granted leave from 24.08.2019 to 09.09.2019.

3.Learned counsel appearing for the petitioner submits that the payment towards escort charges may be dispensed with.

4.Considering the above, the convict is granted 15 days leave from 24.08.2019 to 09.09.2019 and he shall return back to prison at 5.00 p.m. on 09.09.2019. The payment towards escort charges is also dispensed with.

Post the matter 'for reporting compliance' on 12.09.2019.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mmi/ssm
To

- 1.The Deputy General of Prison, Prison Department, Gandhi Irwin Road, Egmore, Chennai 600008.
- 2.The Superintendent of Prison, Central Prison, Vellore.
- 3.The Joint Secretary to Government, Public (Law and Order), Secretariat, Fort St. George, Chennai 600009.
- 4.The Public Prosecutor, High Court, Chennai.
5. The Section Officer,
Criminal Section,
High Court,Madras

+1cc to Mr.R.Rajan , Advocate SR.No. 72265

H.C.P. No. 1682 of 2019

A.SK(26/08/2019)