

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 1479 of 2020

A.Asina Banu

... Petitioner

vs

1.The Director General of Police
& IG of Prisons,
Gandhi Irwin Road,
Egmore, Chennai - 08.

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

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the respondents to grant 30 days ordinary leave by considering the representation dated 17.08.2020 to petitioner's husband Mr.Javeed Basha, son of Saleem Basha, Convict Prisoner, Convict No.16457 now confined in Central Prison, Cuddalore.

For Petitioner ... Ms.S.Nadhiya

For Respondents ... Mr.R.Prathap Kumar,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner, who is the wife of the convict, seeks ordinary leave from the respondents by way of direction from this Court.

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

3. The convict is under incarceration for about five and half years pursuant to the offence committed under the NDPS Act and the total period of conviction is ten years. The leave is

sought for on the ground of making arrangements for his daughter's education and to take care of the medical expenses of his father. The Probation Officer's report do not dispute the aforesaid reasons assigned.

4. Taking note of the fact that the convict has already undergone more than five years of imprisonment and inasmuch as the convict, on the earlier occasion, was granted ordinary leave without police escort, we are inclined to grant leave for a period of three weeks starting from 15.10.2020, without escort. The convict shall be released on 15.10.2020 at 10.00 a.m. and he shall return back to the prison on 05.11.2020 at 5.00 p.m. During the aforesaid leave period, the convict shall report before the Inspector of Police, Ice House Police Station, Chennai daily at 5.30 p.m. The habeas corpus petition stands disposed of accordingly.

Post the matter 'for reporting compliance' on 06.11.2020.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Director General of Police,
& IG of Prisons,
Gandhi Irwin Road,
Egmore, Chennai - 08.

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

3.The Public Prosecutor,
High Court, Madras.

4.The Inspector of Police,
Ice House Police Station,
Chennai.

5.The Section Officer,
Criminal Section,
High Court, Madras.

6.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.

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