

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2020

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

H.C.P. NO. 1543 OF 2020

Anees Unnissha

...Petitioner

vs

- 1.The Deputy Inspector General of Prison,
Prison Department, Gandhi Irwin Road,
Egmore, Chennai - 8.
- 2.The Superintendent of Prison,
Central Prison, Vellore.
- 3.The Commissioner of Police,
Greater Chennai, Vepery, Chennai - 7.Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the second respondent to release the husband of the petitioner, by name Sadiq Basha, male, 40 years, son of Salim Basha who is currently at Central Prison, Vellore, (as convict prisoner No.3315) on 30 days emergency leave in order to take care of his daughter's higher studies.

For Petitioner .. Mr.L.Baskaran
For Respondents .. Mr.R.Prathap Kumar,
Addl. Public Prosecutor

ORDER

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

The petitioner is the wife of the convict, who is convicted under the NDPS Act. The convict has completed six years of conviction as of now. The present petition has been filed by the petitioner seeking leave for the convict so as to make arrangements for the higher studies of their daughter.

2.Learned counsel appearing for the petitioner submitted that on the earlier occasion, the convict was granted leave without escort and he returned back. Thus, the petition will have to be allowed.

3.Learned Additional Public Prosecutor submitted that the petitioner having been granted leave both ordinary and emergency on the earlier occasions, there is no need for the present one.

4.The reason assigned is not denied or disputed viz., making arrangements for continuance of his daughter's higher studies. Secondly, the convict though availed leave on the earlier occasion, complied with the conditions imposed duly. Thirdly, of the ten years of conviction, six years have already elapsed.

5.Thus, considering the above, we are inclined to grant ordinary leave for two weeks from 16.10.2020, without escort. The convict shall be released on 16.10.2020 at 10.00 a.m. and he shall return back to the prison on 30.10.2020 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 02.11.2020.

Sd/-

Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Deputy Inspector General of Prison,
Prison Department, Gandhi Irwin Road,
Egmore, Chennai - 8.

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

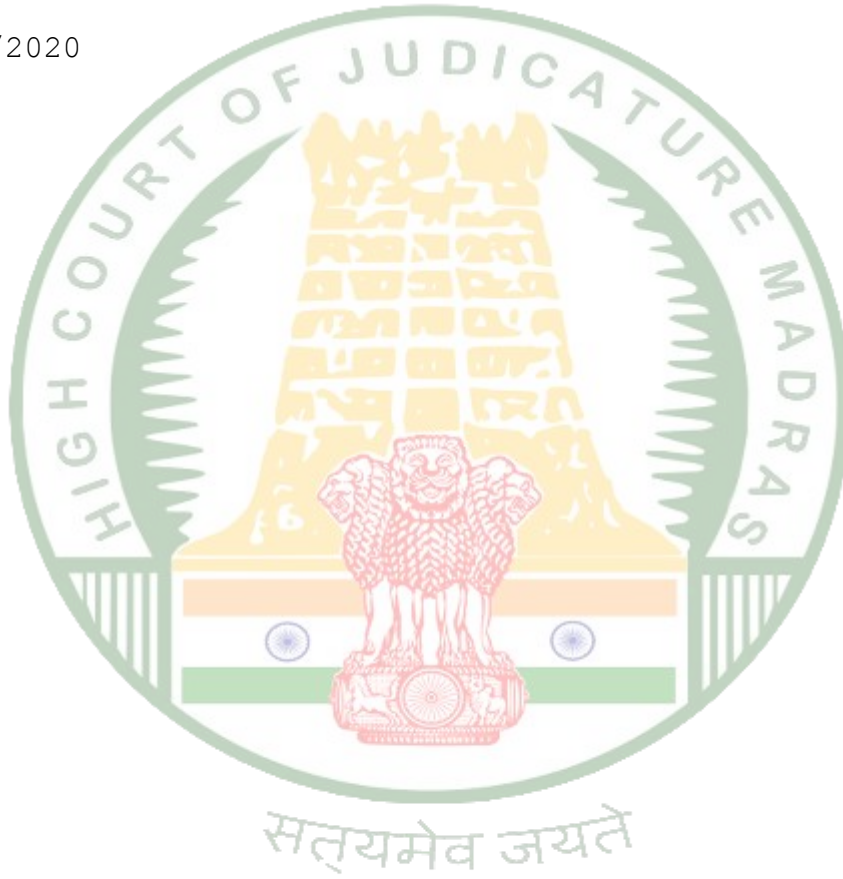
3.The Commissioner of Police,
Greater Chennai, Vepery, Chennai - 7.

4.The Public Prosecutor,
High Court, Madras.

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

H.C.P. No. 1543 of 2020

LN(CO)
KKV/15/10/2020



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