

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2864 of 2019

Anees Unnissha
W/o.Sathiq Basha

... Petitioner

Vs

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

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

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing respondents herein to produce the body and person by name Sadiq Basha, Male, 40 years, S/o.Salim Basha, who is currently detained at Central Prison, Vellore and to grant him 60 days emergency leave.

For Petitioner : Mr.R.Rajan

For Respondents : Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

[Order of this Court was made by R.SUBBIAH, J]

Petitioner is the wife of the convict prisoner viz., Sadiq Basha, aged 40 years, S/o.Salim Basha and has filed the present petition seeking a direction to respondents to grant 60 days emergency leave to the convict prisoner.

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

3. Learned counsel for petitioner submits that petitioner's husband was convicted and sentenced to 10 years R.I. and fine of Rs.10,00,000/- by learned Principal Special Judge under NDPS Act, Chennai, under judgment dated 24.07.2018 passed in C.C.No.45 of 2015. Learned counsel submits that petitioner and convict prisoner borrowed money from various persons to meet the marriage expenses of her sister-in-law. Now, petitioner is under pressure to settle all debts and she needs the assistance of her husband to make arrangements in this regard. Hence, the present petition has been filed seeking the aforesaid relief.

4. Learned Additional Public Prosecutor appearing for respondents submits that the convict prisoner has already been granted 30 days leave by this Court to attend his sister's marriage.

5. This Court, considering the genuine reason for seeking parole, is of the view that leave could be granted to the petitioner's husband/convict prisoner for a period of two weeks. Accordingly, this Court directs as follows:

- (a) Respondents are directed to release the convict prisoner viz., Sadiq Basha, aged 40 years, S/o.Salim Basha, now confined at Central Prison, Vellore, on emergency leave for a period of two weeks i.e., 02.03.2020 to 16.03.2020.
- (b) The life convict shall be released on 02.03.2020 at 10.00 a.m. and he shall be brought back to the Central Prison, Vellore, on 16.03.2020 at 05.00 p.m.
- (c) Respondents are directed to follow the procedures prescribed in the prison manual for ensuring the safety and providing necessary security and escort facilities to the life convict during the period of leave.

6. The Habeas Corpus Petition is disposed of with the above direction.

Post 'for reporting compliance' on 18.03.2020.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

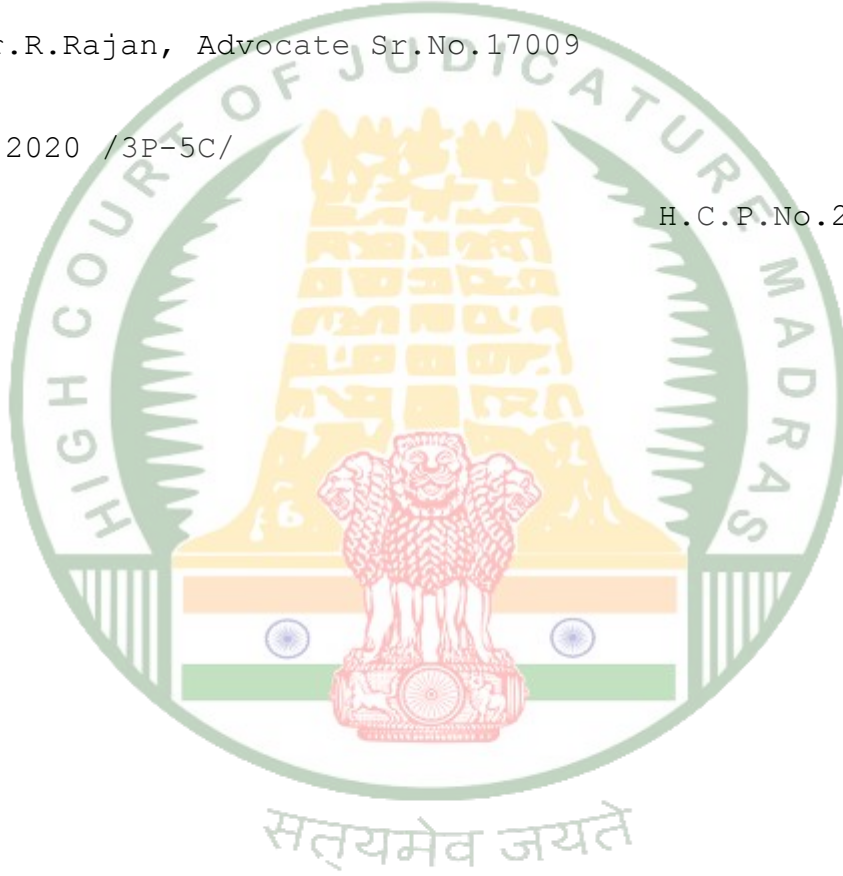
To

- 1.The Deputy Inspector General of Prison,
Prison Department, Gandhi Irwin Road,
Egmore, Chennai - 600008.
- 2.The Superintendent of Prison,
Central Prison, Vellore.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Rajan, Advocate Sr.No.17009

AKM/28.02.2020 /3P-5C/

H.C.P.No.2864 of 2019



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