

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 13.05.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY
WP.No.11860/2021

[Video Conferencing]

M.Aysha Parveen .. Petitioner/Wife of the Convict

Versus

1.The Deputy Inspector General of Prison
[Vellore Range], Office of the Range DIG
Ramset Nagar, Thorapadi, Vellore.

2.The Superintendent of Prison
Central Prison at Vellore. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to quash the impugned order in NO.3395/Tha.Ku.1/2021 dated 19.04.2021 passed by the 2nd respondent and to direct the respondents to grant 30 days ordinary leave without escort to the convict namely Mohamed Zahir, S/o.Muthu Mohamed [CT.No.3395] confined at Central Prison, Vellore.

For Petitioner : Mr.V.Paarthiban
For Respondents: Mrs.P.Kritika Kamal
Govt. Advocate [Crl.Side]

ORDER

- (1) This writ petition has been filed in the nature of a certiorarified mandamus to quash the impugned order in No.3395/Tha.Ku.1/2021 dated 19.04.2021 which had been passed by the 2nd respondent herein.
- (2) The petitioner herein, who is the wife of the convict, viz., Mohamed Zahir, [CT.No.3395], had sought for thirty days ordinary leave to her husband without escort by submitting a representation dated 01.12.2020. The reasons have been set out in the said representation. Subsequently, the Hon'ble Supreme Court of India was also seized of similar matters and they have given directions or rather opined that the representations of this nature should be considered in the light of the directions given by them.

- (3) The 2nd respondent may, therefore, reconsider the entire issue in the light of the judgment of the Hon'ble Apex Court with respect to releasing of the prisoner/convict.
- (4) The impugned order dated 19.04.2021, is therefore, set aside and a direction is given to the 2nd respondent to once again pass orders based on the facts and in any way, the said order is to be passed on or before 21.05.2021.
- (5) The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Deputy Inspector General of Prison
[Vellore Range], Office of the Range DIG
Ramset Nagar, Thorapadi, Vellore.

2.The Superintendent of Prison
Central Prison at Vellore.

3. The Public Prosecutor, High Court, Madras - 104.

WP.No.11860/2021

A.SK(19.05.2021)

सत्यमेव जयते

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