



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 02.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.12042 of 2022

Anees Unnissha

...Petitioner

Vs

1.The Secretary to Government,
Department of Law, Courts and Prisons,
Secretariat,
Chennai.

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

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 27.04.2022 made in No.6063/TK.3/2022 on the file of the Superintendent of Prisons, Central Prison, Vellore, the second respondent herein and quash the same and direct the second respondent herein to grant 30 days emergency leave to the petitioner's husband Sadiq Basha, S/o.Saleem Basha detained in Central Prison, Vellore as convict prisoner no.3315.

For Petitioner : Mr.R.Rajan

For R2 : Mr.R.Muniyappa Raj
Additional Public Prosecutor

O R D E R

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

The present petition has been filed by the petitioner, who is the wife of the convict, who has been convicted and sentenced to undergo ten years rigorous imprisonment.



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

3. Leave has been sought for on the ground that since the mother-in-law of the petitioner is hospitalized, for arranging funds for her medical expenses.

4. Though the Probation Officer has not recommended the case, particularly in view of the embargo under the Rule and the plausible objection from the victim family, inasmuch as the convict's mother is stated to be hospitalised, we are inclined to direct the second respondent to grant three days emergency leave to the convict.

5. Accordingly, we direct the second respondent to grant 3 days emergency leave to the convict with minimum escort subject to the usual conditions that can be imposed by the second respondent. The convict shall be released from the prison at 10.00 a.m. on 07.06.2022 and he shall return back to the prison at 07.00 p.m. on 11.06.2022. The second respondent shall provide minimum escort to the convict from the Central Prison from the time he leaves the prison and till such time he is taken back to the Central Prison, on the said date and time as ordered by this Court. The cost involved for providing escort shall be borne by the petitioner. 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.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

dn/rst

To

1. The Secretary to Government,
Department of Law, Courts and Prisons,
Secretariat,
Chennai.



2.The Superintendent of Prisons
Central Prison,
Vellore.

+1cc to Mr.R.Rajan, Advocate SR.No.32151

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JPL (CO)
GMY (06/06/2022)