



W.P.No.9847 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.No.9847 of 2023

S.Rasheeda Begum

.. Petitioner

Vs.

1. The Secretary,
Home Department,
Fort St. George,
Chennai – 600 009.

2. The Additional Director General of Prisons,
C.M.D.A. Towers,
Egmore,
Chennai – 600 008.

3. The Superintendent of Prison,
Central Prison,
Coimbatore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to provide ordinary leave for three months without escort to the petitioner's husband by name S.A. Basha, son of Abdul Rahman, aged about 83 years, with convict No.3244, detained at Central Prison, Coimbatore, based on the representation dated 03.03.2023 of the petitioner.



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For Petitioner : Ms.K.Akshaya
for Mr.C.D.Sugumar

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John, Advocate

ORDER

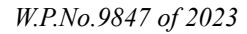
[Order of the Court was made by M.SUNDAR, J.]

This order will now dispose of the captioned Writ Petition.

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 30.03.2023, which reads as follows:

'The central theme of captioned writ petition is a prayer for ordinary leave for a convict prisoner aged 83 years (S.A.Basha, Convict No.3244, now lodged in Central Prison, Coimbatore).

2. Mr.C.D.Sugumar, learned counsel for petitioner (to be noted, convict prisoner's wife, one S.Rasheeda Begam, aged 70 years is the petitioner before us) who is before us submits that the convict prisoner is a diabetic and is now struggling from the side effects of diabetes and is ailing. Learned counsel submits that the convict prisoner has not preferred any appeal against conviction



List on 05.04.2023.'

4. Adverting to the earlier order, learned Additional Public prosecutor submits that the leave request of the convict prisoner has since been acceded to albeit for 15 days. Learned Additional Public Prosecutor has placed before



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us, an order dated 06.04.2023 bearing reference G.O.(2D) No.176, Home (Prison-V) Department and a scanned reproduction of the same is as follows:


ABSTRACT

Prisoners - W.P.No. 9847 of 2022 filed by Tmt.Rasheeda Begum - Directions of the Hon'ble High Court of Madras dated 30.03.2023 - Sanction of ordinary leave for 15 days to the Life Convict Prisoner No.3244 S.A.Batchu, S/o. Abdul Rahman, (confined in Central Prison, Coimbatore) - Orders - Issued.

Home (Prison-V) Department

G.O.(2D)No.176 Dated: 06.04.2023
மறுபதிவு - மார்ச்சு 23
அனுப்பப்பட்ட தேதி 2024

Read:-

1. From Tmt.Rasheeda Begum, W/o.Life Convict Prisoner No.3244 S.A.Batchu, S/o. Abdul Rahman, (confined in Central Prison, Coimbatore), dated 03.03.2023.
2. Orders of the Hon'ble High Court of Madras, dated 30.03.2023 in W.P. No. 9847 of 2023.
3. From the Director General of Police/ Director General of Prisons & Correctional Services Letter No.7312/PS-4/ 2023, dated: 03.04.2023.

ORDER:

In the circumstances stated by the Director General of Police/Director General of Prisons and Correctional Services, Chennai-8 in his letter third read above and upon considering the request of Tmt.Rasheeda Begum, W/o.Life Convict Prisoner S.A.Batchu first read above in pursuance of the directions of the Hon'ble High Court of Madras second read above and under the powers conferred in the Government of India Gazette S.O.3860(E) dated 06.12.2017, the Government of Tamil Nadu hereby sanction fifteen days of ordinary leave to Life Convict Prisoner S.A.Batchu confined in Central Prison, Coimbatore with police escort, considering his diabetic and age factor by invoking the powers conferred in rule 40 of the Tamil Nadu Suspension of Sentence Rules, 1982, subject to the other conditions governing ordinary leave specified in rule 25 of the said rules and the leave should not be utilized for any other purpose other than the purpose for which it is now granted.

(BY ORDER OF THE GOVERNOR)

K.PHANINDRA REDDY
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT

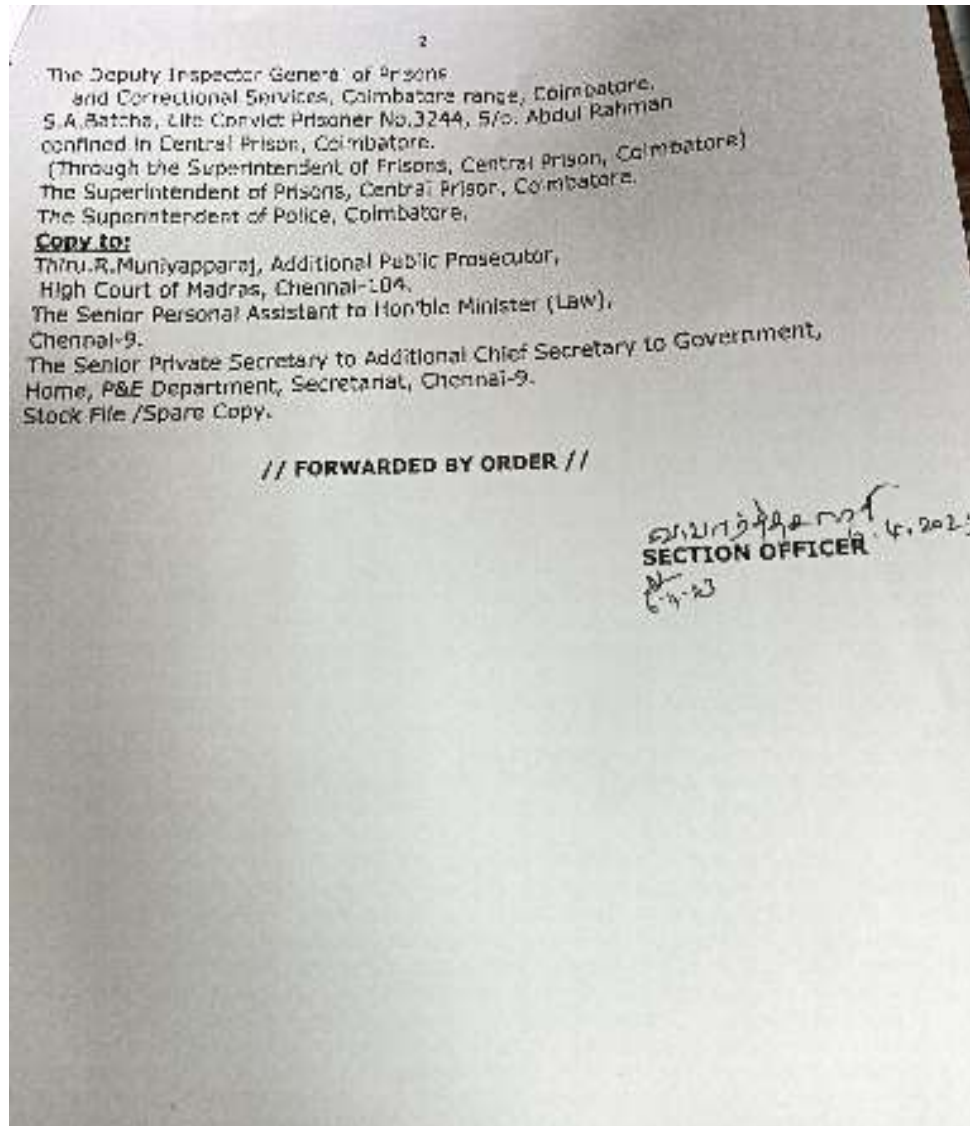
To
The Director General of Police / Director General of Prisons
and Correctional Services, Chennai-8.



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5. Though leave has been granted as the number of days of leave granted is lesser than the number of days of leave sought, we deem it appropriate to say that the rights of the convict prisoner or anyone concerned for the convict prisoner are preserved for assailing the aforementioned order, if so desired.

6. Captioned Writ Petition is disposed of recording the aforesaid stated position albeit preserving rights to the extent and manner indicated supra. No costs.

(M.S., J.) (D.N.R., J.)
06.04.2023

Index : Yes / No
Internet : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
rsi



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To
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1. The Secretary,
Home Department,
Fort St. George,
Chennai – 600 009.
2. The Additional Director General of Prisons,
C.M.D.A. Towers,
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Chennai – 600 008.
3. The Superintendent of Prison,
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4. The Public Prosecutor
High Court, Madras.



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M.SUNDAR, J.
and
DR.D.NAGARJUN, J.

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06.04.2023