



WEB COPY



W.P.No.5280 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.5280 of 2024

M.Shamsath

... Petitioner

Vs.

1.The Director General of Police &
Director General of Prisons,
Correctional Service,
Whannels Road,
Egmore, Chennai – 600 008.

2.The Superintendent of Prison,
Central Prison-1,
Puzhal, Chennai – 600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to grant ordinary leave without escort by considering the representation of the petitioner dated 22.02.2024 to the petitioner's husband namely Munavar Basha S/o.Mehabub Basha, aged 43 years, Convict Prisoner, Central Prison-1, Puzhal, Chennai - 66.



W.P.No.5280 of 2024

For Petitioner : Mrs.S.Nadhiya
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

On the ground that the convict prisoner is taking treatment through dialysis, the Jail Authority had granted 30 days ordinary leave “with escort”, with a further condition that the convict prisoner shall report before the jurisdictional Police once a week.

2. The learned counsel for the petitioner submitted that since the convict prisoner has to regularly take his medical treatment, the presence of the escort would cause serious prejudice to him. He further submitted that the convict prisoner will not abscond and that he would report before the Jail Authority on the expiry of the leave.



W.P.No.5280 of 2024

WEB COPY

3. In consideration of the medical ailment of the convict prisoner, we are inclined to modify the condition imposed in the order dated 29.12.2023.

4. Accordingly, the convict prisoner namely Munavar Basha, S/o.Mehabub Basha, aged about 43 years, shall be granted 30 days ordinary leave ***“without escort”*** commencing from 07.03.2024 to 05.04.2024, with a further condition that he shall report before the jurisdictional Police i.e. D3, Ice House Police Station, Triplicane, Chennai – 600 005, twice a week on Mondays and Thursdays at 10.30 am. After expiry of the Ordinary Leave, the convict prisoner shall surrender before the second respondent herein, on 06.04.2024 before 10.00 a.m. The convict prisoner shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities. All other observations made in the order dated 29.12.2023 passed by the Deputy Inspector General of Prison, Chennai, shall remain intact.



WEB COPY



W.P.No.5280 of 2024

M.S.RAMESH, J.
and
SUNDER MOHAN, J.

Sni

5. With the above directions, the Writ Petition stands allowed. No costs.

[M.S.R., J] [S.M., J]
04.03.2024

Index: Yes/No
Speaking/Non-speaking order

Sni

To

1.The Director General of Police &
Director General of Prisons,
Correctional Service,
Whannels Road, Egmore, Chennai – 600 008.

2.The Superintendent of Prison,
Central Prison-1, Puzhal, Chennai – 600 066.

3.The Public Prosecutor,
High Court, Madras.

W.P.No.5280 of 2024