



W.P.No.8339 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.8339 of 2024

Nawshad Akthar

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Whannels Road,
Egmore,
Chennai – 600 008.

2.The Superintendent of Prisons,
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 28 days ordinary leave by considering representation dated 04.03.2024 of the petitioner namely Nawshad Akthar, S/o.Thasthahir, aged 50 years, Convict No.6971, Convict Prisoner, Central Prison-1,



W.P.No.8339 of 2024

Puzhal, Chennai – 66.

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

ORDER

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

The petitioner herein, is the convict prisoner. He was convicted for the offences under Section 8(c) r/w.22(C) r/w.28 of NDPS Act and Section 8(c) r/w.22(c) r/w.29 of NDPS Act and was sentenced to undergo 10 & 20 years of imprisonment respectively by the learned Additional District and Sessions Judge, Special Court in C.C.No.44 of 2013 dated 09.03.2018. Thereafter, the petitioner filed an appeal in CrI.A.No.219 of 2018 and his sentence was modified to 12 years.

2. The learned counsel for the petitioner submitted that out of 12



W.P.No.8339 of 2024

years, the petitioner has already undergone 11 years of imprisonment.

She would further submit that the petitioner's father is aged about 78 years and his health condition is serious and that the petitioner's father needs his presence during his last breath. Seeking for 28 days leave to be with his father and to arrange the educational expenses for his two children, the petitioner had given a representation on 04.03.2024. Since the same has not been considered till date, the present Writ Petition has been filed.

3. The learned Additional Public Prosecutor has produced a report of the Probation Officer, Delhi, dated 16.04.2024, which is in favour of the convict prisoner. However, the learned Additional Public Prosecutor submitted that since the convict prisoner hails from Delhi and his father is also in Delhi, he will have to report before the jurisdictional Police in Delhi.

4. In view of the above facts and circumstances, we are inclined to consider the prayer sought for in this Writ Petition on certain conditions.



W.P.No.8339 of 2024

WEB COPY

5. Accordingly, the respondents herein, are directed to grant 21 days ordinary leave ***“without escort”*** to the petitioner/convict prisoner namely Nawshad Akthar, S/o.Thasthahir, aged 50 years, Convict No.6971, commencing from 29.04.2024 to 19.05.2024, with a condition that the petitioner/convict prisoner shall execute a bond for a sum of Rs.25,000/-, with two blood sureties, each for a like sum to the satisfaction of the Superintendent of Prison, Central Prison-1, Puzhal, Chennai – 600 066. During the period of leave, the convict prisoner shall report before the jurisdictional Police i.e. Bhajanpura Police Station, Block C2, Bhajanpura, Shahdara, Delhi – 110 053, twice a week on Tuesdays and Fridays at 10.30 am. After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on 20.05.2024 before 10.00 a.m. The prisoner shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities.



W.P.No.8339 of 2024

WEB COPY

6. With the above direction, the Writ Petition stands allowed. No costs.

7. Post the matter 'for reporting compliance' on 04.06.2024.

[M.S.R., J]

[S.M., J]

24.04.2024

Index: Yes/No

Sni

Note: Issue Order Copy on 26.04.2024

To

1.The Deputy Inspector General of Prisons,
Whannels Road, Egmore,
Chennai – 600 008.

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

3.The Superintendent of Police,
Bhajanpura Police Station,
Block C2, Bhajanpura, Shahdara,
Delhi – 110 053.

4.The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.8339 of 2024



WEB COPY



W.P.No.8339 of 2024

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

Sni

W.P.No.8339 of 2024

24.04.2024