



WEB COPY



W.P.No.9683 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM :

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

**W.P.No.9683 of 2024**

A.Asina Banu

... Petitioner

***Vs.***

1.State by: The Additional Chief Secretary  
to Government,  
Home, Prohibition and Excise Department,  
Secretariat,  
Chennai – 600 009.

2.The Director General of Police/  
Inspector General of Prisons and correctional service,  
Whannels Road,  
Egmore, Chennai – 600 008.

3.The Superintendent of Prison,  
Central Prison,  
Puzhal, Chennai.

... 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  
extend the ordinary leave for 15 days by considering the representation of



W.P.No.9683 of 2024

the petitioner dated 02.04.2024 and release her husband Javeed Basha, S/o Saleem Basha aged 37 years, Convict Prisoner, Central Prison, Puzhal.

For Petitioner : M/s.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.**

Through an earlier order dated 21.03.2024, passed in W.P. No.6075 of 2024, we had granted 21 days of ordinary leave to the convict prisoner, namely Javeed Basha S/o.Saleem Basha, aged about 37 years, Convict No.7131, without escort, for the period between 22.03.2024 and 11.04.2024, with a condition that the convict prisoner should appear before the D3-Ice House, Police Station, Chennai, once in a week i.e., on every Monday 05.00 p.m.,

2. In the present Writ Petition, the petitioner seeks for a direction to the respondents to consider her representation dated 02.04.2024, requesting to extend the ordinary leave of her husband/convict prisoner, for



W.P.No.9683 of 2024

a further period of 15 days from 11.04.2024.

WEB COPY

3. The learned Additional Public Prosecutor submitted that the convict prisoner is eligible for totally 28 days leave, out of which, he has already availed 21 days leave. Hence, he is eligible for only 7 days leave now.

4. The reason assigned by the petitioner for extension of leave to her husband is that she is pregnant and she is expected to deliver the baby in the first week of April, 2024. Further, the Doctor has stated that her delivery may be critical and her husband's presence is necessary.

5. Under Rule 22(2)(b) of the Tamil Nadu Suspension of Sentence Rules, 1982, the prisoner shall be entitled for ordinary leave for a period of 21 days during the 4th and 5th years of imprisonment and not exceeding 28 days during the rest of the term of imprisonment. In the instant case, the convict prisoner has been sentenced to undergo 10 years of imprisonment and he has been in prison for over 9 years. Therefore, in terms of Rule 22(2)(b) of the Tamil Nadu Suspension of Sentence Rules,



W.P.No.9683 of 2024

WEB COPY

1982, the convict prisoner would be entitled to a total number of 28 days of ordinary leave. Since he has already been granted ordinary leave for a period of 21 days, he would still be eligible for seven more days.

6. Accordingly, the convict prisoner namely, Javeed Basha, S/o.Saleem Basha aged about 37 years, bearing Convict No.7131, is granted ordinary leave, ***without escort***, for a further period of 7 days, commencing from 12.04.2024 to 18.04.2024. During the period of this ordinary leave, the convict prisoner shall report before before the D3-Ice House, Police Station, Chennai, once in a week i.e., on every Monday 05.00 p.m., On expiry of the ordinary leave, the convict prisoner shall surrender before the Jail Authority on 18.04.2024 by 5.30 p.m.

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

[M.S.R., J]

[S.M., J]

05.04.2024

Index: Yes/No

Tsg

***Issue Order Copy by 10.04.2024***



W.P.No.9683 of 2024

WEB COPY

To

- 1.State by: The Additional Chief Secretary  
to Government,  
Home, Prohibition and Excise Department,  
Secretariat,  
Chennai – 600 009.
- 2.The Director General of Police/  
Inspector of Prisons and correctional service,  
Whannels Road,  
Egmore, Chennai – 600 008.
- 3.The Superintendent of Prison,  
Central Prison,  
Puzhal, Chennai.
- 4.The Public Prosecutor,  
High Court, Madras.



WEB COPY



W.P.No.9683 of 2024

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

Tsg

W.P.No.9683 of 2024

05.04.2024