



WEB COPY



W.P.No.19963 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.P.No.19963 of 2024

S.Aneesunisha

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Home Prohibition and Excise Department,
Secretariat, Chennai 600009.

2.The Director General of Police/
Director General of Prisons and Correctional Service,
Whannels Road,
Egmore, Chennai 600008.

3.The Superintendent of Prisons,
Central Prison-1,
Puzhal, Chennai 600066.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner dated 02.07.2024 and grant three months of ordinary leave to the petitioners husband, Sadiq Basha Son of Saleem Basha, Convict Prisoner, Central Prison I, Puzhal, Chennai.



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For Petitioner : Mr.M.Radhakrishnan
for Mr.P.Pugalenthir

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor.

ORDER

(Order of the Court was delivered by S.M.Subramaniam J.)

This petition has been filed seeking a Writ of Mandamus to direct the respondents to grant three months of ordinary leave to the petitioners husband, Sadiq Basha S/o Saleem Basha, convict prisoner, Central Prison I, Puzhal, Chennai, who was convicted for the offences under Sections 8(c) r/w 29, 8(c) r/w 22(c) and 8(c) r/w 28 of NDPS Act and sentenced to undergo rigorous imprisonment for a period of 10 years with a fine of Rs.1,00,000/- by the Principal Sessions Court (EC & NDPS), Chennai in C.C.No.45 of 2015 dated 24.07.2018.

2. The learned counsel for the petitioner submitted that the petitioner's husband/convict prisoner has undergone imprisonment for a period of 8 years 8 months and 17 days and that he seeks ordinary leave for the



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petitioner's husband/convict prisoner to provide medical treatment to the petitioner who is suffering from some serious illness.

3. At this juncture, the learned Additional Public Prosecutor Mr.E.Raj Thilak would submit that there is no adverse conduct noticed by the prison authorities against the convict prisoner and the Probation Officer also has not given any adverse report against the convict prisoner.

4. Since the convict prisoner had already undergone 8 years 8 months and 17 days out of 10 years of imprisonment, we are inclined to consider the case of the convict prisoner for grant of ordinary leave for 28 days.

5. Accordingly, the convict prisoner viz., Sadiq Basha S/o Saleem Basha, Central Prison I, Puzhal, Chennai, is hereby granted Ordinary Leave without escort for a period of 28 days commencing from **23.08.2024** on the following conditions:-

(i) Respondents are directed to release the Convict Prisoner viz., , Sadiq Basha S/o Saleem Basha, Central Prison I, Puzhal, Chennai, on Ordinary Leave without escort for a period of 28 days commencing from **23.08.2024**.



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(ii) The Convict Prisoner shall be released on 23.08.2024 at 10.00 a.m. and surrender before the Superintendent, Central Prison I, Puzhal, on 20.09.2024 at 05.30 p.m.

(iii) The Convict Prisoner is directed to report before the D-3, Ice House Police Station, Chennai once in a week at 10.00 a.m. during the period of leave.

(iv) The Convict Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities.

6. Accordingly, the writ petition stands **disposed of**. No Costs.

(S.M.S.J.,)

(R.S.V.J.,)

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Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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To

- 1.The Additional Chief Secretary to Government,
Home Prohibition and Excise Department,
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- 2.The Director General of Police/
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Whannels Road,
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- 3.The Superintendent of Prisons,
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Puzhal, Chennai 600066.
4. Public Prosecutor,
High Court of Madras.



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S.M.SUBRAMANIAM, J.

and

R.SAKTHIVEL, J.

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