



W.P.No.22029 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.22029 of 2024

A. Asina Banu

... Petitioner

Vs.

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

2. 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 grant 10 days emergency leave for petitioner's husband Javeed Basha S/o. Saleem Basha aged 37 years, Convict Prisoner, Central Prison, Puzhal.

For Petitioner : Mr.S.Nadhiya

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



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ORDER

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

This petition has been filed seeking a direction to the respondents to grant 10 days Emergency Leave for petitioner's husband Javeed Basha S/o. Saleem Basha aged 37 years, Convict Prisoner, Central Prison, Puzhal, 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 1985 and sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.1,00,000/- and in default to undergo rigorous imprisonment for one year by the Principal Special Court under EC and NDPS Act, Chennai in CC.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 08 years 10 months and 04 days of imprisonment, including the remand set off period and she seeks Emergency Leave for a period of 10 days to her husband/convict prisoner to meet out medical expenses for her son and for the livelihood of their family.

3. At this juncture, the learned Additional Public Prosecutor has objected by stating that the convict prisoner has already availed 21 days Ordinary leave



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from 22.03.2024 to 11.04.2024. Therefore, he is not eligible to avail Emergency

Leave.

4. This Court considering the medical emergency is inclined to grant 6 days Emergency Leave to the convict prisoner.

5. Accordingly, the convict prisoner viz., Javeed Basha S/o. Saleem Basha aged 37 years, Convict Prisoner, Central Prison, Puzhal is hereby granted Emergency Leave without escort for a period of 6 days commencing from **21.08.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Javeed Basha S/o. Saleem Basha aged 37 years, Convict Prisoner, Central Prison, Puzhal on Emergency Leave without escort for a period of 6 days commencing from **21.08.2024**

(ii) The Convict Prisoner shall be released on 21.08.2024 at 10.00 a.m. and surrender before the Superintendent, Central Prison, Puzhal on 27.08.2024 at 10.00 a.m.

(iii) 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.



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

[S.M.S., J.]

[V.S.G., J.]

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Index: Yes/No

Speaking/Non-speaking order

veda

To

1. The Director General of Police/
Inspector General of Prisons and correctional service,
Whannels Road,
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