



WEB COPY



W.P.No.33040 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2024

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.33040 of 2024

A.Asina Banu
W/o Javeed Basha .. Petitioner

v.

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

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in the order no.CP-PU1/2403/2024-R2 dated 07.10.2024 passed by respondent no.2 and quashing the same and directing the respondents to grant ordinary leave for 28 days without escort for the petitioner's husband Javeed Basha, S/o Saleem Basha, aged 37 years, Convict No.7131, Convict Prisoner, Central Prison, Puzhal.



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For Petitioner :: Mrs.S.Nadhiya
For Respondents :: Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The rejection of leave application in proceeding dated 07.10.2024 is under challenge in the present writ proceedings. The reason assigned in the impugned order is that the prisoner has been convicted under the Narcotic Drugs and Psychotropic Substances Act and therefore not eligible to avail ordinary leave under the Prison Rules. However, the Superintendent of Prison issued a letter to the learned Public Prosecutor stating that the conduct of the prisoner inside the prison is satisfactory.

2. The period of conviction is ten years and the prisoner is in actual imprisonment for about 9½ years. The learned counsel for petitioner would submit that the five month old baby of the prisoner has to undergo surgery, for which the prisoner has to make all arrangements.



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3. Considering the above reason and taking note of the fact that the prisoner is in imprisonment for about 9 ½ years, we are inclined to pass the following order:-

- (i) The impugned order passed by the 2nd respondent dated 07.10.2024 is set aside.
- (ii) The prisoner, namely, Javeed Basha, S/o Saleem Basha, aged about 37 years, Convict No.7131, who is confined in Central Prison, Puzhal, Chennai is granted 21 days ordinary leave without escort.
- (iii) The leave shall commence from 25.11.2024 10.30 A.M., and the prisoner shall surrender before the second respondent by 5.30 P.M., on 15.12.2024.
- (iv) The prisoner shall appear before the D-4 Ice House Police Station, Chennai twice a week i.e., on every Monday and Thursday at 11.00 A.M., during the period of leave.

The writ petition stands allowed on the above terms. Consequently, W.M.P.No.35808 of 2024 stands closed. No costs.

Index : yes
Neutral citation : yes/no

(S.M.S.,J.) (M.J.R.,J.)
19.11.2024

SS



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To
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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 600 066
3. The Inspector of Police
D-3 Ice House Police Station
Chennai
4. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

SS

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