



WEB COPY



W.P.No.31702 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM :

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

W.P.No.31702 of 2024

Mrs.K.M.Mehabooba Jailani

... Petitioner

Vs.

1. The State rep. by its,
The Home Secretary (Prison Department),
St.George Fort, Chennai -009.

2. The Deputy Director General of Prison,
Chennai range, Gandhi Irwin Road,
CMDA Building,
2nd Tower, Egmore,
Chennai 600 008.

3. The Superintendent of Prison,
Central Prison at Puzhal-I,
Thiruvallur District- 600 066

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining with an impugned order in No.CP-PU1/2420/2024-R2 dated 24.09.2024 passed by the 3rd respondent and quash the same , consequently



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directing the respondents to grant 30 days ordinary leave without escort to the husband of the petitioner, namely, Mr.M.Mohamed Ali, S/o. Mohamed Yonus (PID No.93273) now confined under 3rd respondent.

For Petitioner : Mr. M. Mohamed Saifulla
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

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

The rejection of the leave application issued by the Superintendent of Prison, Central Prison-1, Puzhal, Chennai, vide its proceedings dated 24.09.2024 is sought to be quashed in the present writ petition.

2. The convict prisoner was convicted for the offence under Section NDPS Act and on that ground, the leave application was rejected.

3. The Probation Officer submitted a report and we find that there is no adverse conduct noticed against the convict prisoner. The convict prisoner is in actual imprisonment for about 8 years out of 10 years of conviction period.

4. Considering the fact that there is no adverse conduct against the



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convict prisoner, we are inclined to invoke our powers under Article 226 of the Constitution of India, thereby granting required leave to the convict prisoner herein.

5. Accordingly, the impugned order dated 24.09.2024 passed by the third respondent is quashed and convict prisoner viz., **Mr.M.Mohamed Ali, S/o. Mohamed Yonus (PID No.93273) now confined at Central Prison-I, Puzhal, Chennai**, is hereby granted ordinary leave for a period of 21 days, without escort commencing from **31.10.2024** on the following conditions:-

(i) Respondents are directed to release the Convict Prisoner viz., **Mr.M.Mohamed Ali, S/o. Mohamed Yonus (PID No.93273) now confined at Central Prison-I, Puzhal, Chennai**, on Ordinary Leave for a period of **21 days i.e., from 31.10.2024 to 20.11.2024**.

(ii) The Convict Prisoner shall be released on **31.10.2024** at 10.00 am and surrender before the Central Prison-I, Puzhal, Chennai, on **20.11.2024** at 10.00 a.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, N3-Muthiapet Police Station, Chennai District, twice in a week, i.e., on Monday and Friday at 10.30a.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.



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6. Accordingly, the writ petition stands allowed. No Costs.

[S.M.S., J.]

[V.S.G., J.]

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Index: Yes/No

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Speaking/Non-speaking order

mrp

Note : Issue Order copy today

To

1. The Home Secretary (Prison Department),
St.George Fort, Chennai -009.
2. The Deputy Director General of Prison,
Chennai range, Gandhi Irwin Road,
CMDA Building,
2nd Tower, Egmore,
Chennai 600 008.
3. The Superintendent of Prison,
Central Prison at Puzhal-I,
Thiruvallur District- 600 066
4. The Public Prosecutor,
High Court of Madras.



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AND
V.SIVAGNANAM, J.

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