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W.P.No.36261 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.36261 of 2024

Ameer Basha

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Chennai Range,
Egmore,
Chennai – 600 008.

2.The Superintendent of Prisons,
Central Prisons-1,
Puzhal, Chennai – 600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records in the order date on 28.10.2024 bearing No.295039/tha.ku.2/2024 passed by respondent No.2 and quashing the same, and directing the respondents to grant 21 days ordinary leave by without escort instead of with escort for the petitioner namely Ameer Basha S/o.Rafiq aged 32 year, Convict Prisoner, Convict No.8052, Central Prison, Puzhal.

For Petitioner : Mrs.S.Nadhiya

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



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ORDER

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

The order of rejection rejecting the leave application in proceedings dated 28.10.2024 is under challenge in the present Writ Proceedings.

2. Learned counsel for the petitioner would submit that the petitioner has to make arrangements to provide medical treatment to his aged mother. Thus, prays for directing the respondents to grant 21 days ordinary leave by without escort instead of with escort for the petitioner namely Ameer Basha S/o.Rafiq aged 32 year, Convict Prisoner, Convict No.8052, Central Prison, Puzhal.

3. Learned Additional Public Prosecutor submitted that the convict prisoner herein is eligible to avail only 21 days of ordinary leave and there is no adverse conduct noticed against him inside the prison.

4. The prisoner is in actual imprisonment for about 5 years. The Probation Officer in his report states that the reasons stated in the leave application are found to be correct.



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5. In view of the favourable recommendation of the Probation Officer, we are inclined to invoke our powers under Article 226 of the Constitution of India, thereby granting required leave to the convict prisoner herein.

6. Since there is no adverse conduct noticed inside the prison by the prison authorities and the Superintendent of Prison as stated that the conduct of the prisoner is satisfactory, the convict prisoner viz., Ameer Basha S/o. Rafiq aged 32 year, Convict Prisoner, Convict No.8052, Central Prison, Puzhal., is hereby granted ordinary leave for a period of **21 days**, without escort commencing from **10.12.2024** on the following conditions.

(i) Respondents are directed to release the Convict Prisoner viz., Ameer Basha S/o. Rafiq aged 32 year, Convict Prisoner, Convict No.8052, Central Prison, Puzhal. on Ordinary Leave for a period of **21 days i.e., from 10.12.2024 to 30.12.2024.**

(ii) The Convict Prisoner shall be released on **10.12.2024** at 10.00 am and surrender before the Central Prison-I, Puzhal, Chennai on **30.12.2024** at 05.00 p.m.

(iii) The Convict Prisoner is directed to report before the Inspector of Police, J.J.Nagar, Police Station, Chennai twice in a week on Monday and Thursday at 11.00 a.m., during the period of leave.

(iv) The Convict Prisoner shall utilize the leave only for



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the ground on which it has been granted and shall not indulge in any other activities.

7. Accordingly, the writ petition stands allowed. No Costs. Consequently, the connected Miscellaneous Petitions, if any, are closed.

[S.M.S., J.]

[M.J.R., J.]

05.12.2024

Index: Yes/No

Speaking/Non-speaking order

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To

1. The Deputy Inspector General of Prisons,
Chennai Range,
Egmore,
Chennai – 600 008.

2. The Superintendent of Prisons,
Central Prisons-1,
Puzhal, Chennai – 600 066.

3. The Public Prosecutor,
High Court of Madras.



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