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W.P.No.38099 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2024

CORAM :

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

W.P.No.38099 of 2024

Akbar Shariff
S/o Sulaiman Shariff .. Petitioner

v.

1. The State represented by its
The Deputy Inspector General of Prison
Gandhi Irwin Road
Egmore, Chennai 600 008

2. The Superintendent
Puzhal Central Prison-I
Puzhal 600 066 .. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records connected with impugned order in proceeding No.498330/Thaku2/2024 dated 28.11.2024 passed by the second respondent and quash the same and directing the respondents to grant ordinary leave for 30 days without escort to the detenu Ashraf Shariff, S/o Akbar Shariff, aged about 32 years, bearing Convict No.10568, confined at Central Prison-I, Puzhal.



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For Petitioner :: Ms.S.Sadhana

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 issued by the Superintendent of Prison, Puzhal, Chennai in proceeding dated 28.11.2024 is under challenge in the present writ proceedings.

2. The impugned order has been passed on the ground that the prisoner has been convicted under the Narcotic Drugs and Psychotropic Substances Act. The prisoner is in actual imprisonment for about five years and eleven months. Thus he is eligible to avail ordinary leave for 28 days. The Probation Officer found that the reason stated in the leave application is incorrect. However, the conduct of the prisoner inside the prison is found to be satisfactory. Therefore, we are inclined to consider the present writ petition and pass the following order:-

- (i) The impugned order passed by the 2nd respondent dated 28.11.2024 is set aside.



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(ii)The prisoner, namely, Ashraf Shariff, S/o Akbar Shariff, aged about 32 years, bearing Convict No.10568, is granted ordinary leave for 28 days without escort.

(iii)The leave shall commence from 26.12.2024 10.30 A.M., and the prisoner shall surrender before the second respondent by 5.30 P.M., on 22.01.2025.

(iv)The prisoner shall appear before the E-2, Royapettah Police Station, Chennai twice in a week i.e., on every Monday and Thursday at 10.30 A.M., during the period of leave.

The writ petition stands allowed on the above terms. Consequently, W.M.P.No.41228 of 2024 is closed. No costs.

Index : yes/no
Neutral citation : yes/no

(S.M.S.,J.) (M.J.R.,J.)
19.12.2024

ss

To

1. The Deputy Inspector General of Prisons
Gandhi Irwin Road
Egmore, Chennai 600 008
2. The Superintendent of Prisons
Central Prison-I, Puzhal, Chennai 600 066
3. The Inspector of Police
E-2 Royapettah Police Station
Chennai



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4. The Public Prosecutor
High Court, Madras

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S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

SS

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