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W.P.No.2499 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.2499 of 2025
and W.M.P.No.2821 of 2025

M.Shamsath

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The Director General of Police &
Director General of Prisons,
Correctional Service,
Whannels Road,
Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison-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



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records in the order No.611796/tha.ku.2/2024 dated 30.12.2024 passed by the respondent No.3 and quashing the same and directing the respondents to grant ordinary leave for 28 days by without escort for the petitioner's husband namely Munavar Basha, S/o.Mehabub Basha, aged 43 years, convict prisoner, Ct.No.7979, Central Prison-1, Puzhal, Chennai – 66.

For Petitioner : Mrs.S.Nadhiya
For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

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

This Writ Petition has been filed challenging the impugned order dated 30.12.2024, rejecting the representation of the petitioner's husband/convict prisoner dated 13.12.2024.

2. The reason assigned in the impugned order for rejecting the convict prisoner's request for grant of ordinary leave to him is that since he was convicted for the offence under NDPS Act, he is not eligible for ordinary leave as per Rule 21(h)(3) of the Tamil Nadu Suspension of Sentence Rules,



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3. The learned counsel for the petitioner submitted that the convict prisoner has to undergo hip replacement surgery and that the petitioner requires her husband/convict prisoner's presence for his treatment and to make arrangements for hospital funds and therefore, she sought for an ordinary leave for a period of 28 days for her husband.

4. The learned Additional Public Prosecutor has produced particulars of the convict prisoner dated 27.01.2025, as well as the report of the Probation Officer dated 09.01.2025, which is in favour of the convict prisoner and the Probation Officer has recommended for grant of ordinary leave to the petitioner's husband.

5. Considering the reasons stated by the petitioner for grant of leave to her husband, as well as the report of the Probation Officer recommending to grant leave to the petitioner's husband/convict prisoner, we are inclined to consider the prayer sought for in this Writ Petition.

6. Accordingly, the impugned order dated 30.12.2024 passed in



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No.611796/tha.ku.2/2024 by the third respondent, is hereby quashed.

Consequently there shall be a direction to the respondents herein, to grant 28 days ordinary leave **“without escort”** to the petitioner's husband/convict prisoner namely Munavar Basha, S/o.Mehabub Basha, aged 43 years, Central Prison-1, Puzhal, Chennai – 66, commencing from **18.02.2025** to **17.03.2025**, with a condition that the convict prisoner shall report before the jurisdictional Police i.e. D-1 Triplicane Police Station, Chennai, daily at 10.30 A.M. After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on **17.03.2025** before 05.30 P.M. The prisoner shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities.

7. With the above direction, the Writ Petition stands allowed. No costs. Connected miscellaneous petition is closed.

[M.S.R, J.]

[N.S, J.]

05.02.2025

Index: Yes/No

Speaking order/Non-speaking order

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Note: Issue Order Copy on 17.02.2025.

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To

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The Director General of Police &
Director General of Prisons,
Correctional Service,
Whannels Road,
Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison-1,
Puzhal, Chennai – 600 066.

4.The Inspector of Police,
D-1 Triplicane Police Station,
Chennai.

5.The Public Prosecutor,
High Court, Madras.



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M.S.RAMESH, J.
and
N. SENTHILKUMAR, J.

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