



W.P.No.8393 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH  
AND  
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.8393 of 2025  
and W.M.P.No.9408 of 2025

Dubash Shankar

... Petitioner

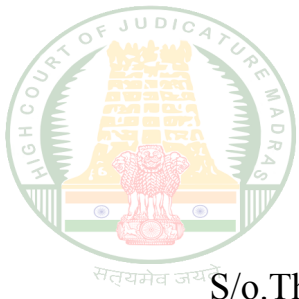
*Vs.*

1.The Deputy Inspector General of Prisons  
Chennai Range  
Prison Head Quarters  
Whannels Road  
Egmore  
Chennai 600 008

2.The Superintendent of Prisons  
Central Prison - I  
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 dated 19.02.2025 bearing No.730117/Tha.Ku.2 /2025 passed by the respondent No.2 and quashing the same and directing to grant ordinary leave for the petitioner namely Dubash Shankar,



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S/o.Thirunavukkarasu, aged about 40 years, casual prisoner, convict  
No.11075, Central Prison, Puzhal, Chennai.

For Petitioner : Mrs.S.Nadhiya

For Respondents : Mr.R.Muniyapparaj  
Additional Public Prosecutor  
assisted by Mr.M.Sylvester John

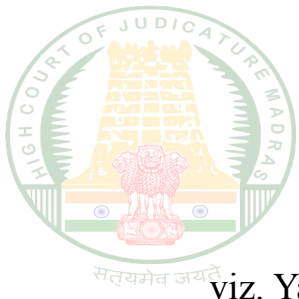
### ORDER

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

This Writ Petition has been filed challenging the impugned order dated 19.02.2025, rejecting the representation of the petitioner, seeking ordinary leave for a period of 40 days.

2. The reason assigned in the impugned order for rejecting the petitioner's request for grant of ordinary leave is that the petitioner was convicted for the offence under NDPS Act and he is not eligible for ordinary leave as per Rule 21(h)(3) of the Tamil Nadu Suspension of Sentence Rules, 1982, as well as Rule 32(A) of NDPS Act.

3. Learned counsel for the petitioner submitted his minor daughter



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viz. Yamini Priya, aged 14 years has recently passed away on 29.08.2024, since then his wife has become physically and mentally sick. Hence, the presence of the petitioner will make her overcome of the situation. The representation given by the petitioner was rejected by the respondents vide proceedings dated 19.02.2025 bearing No.730117/tha.ku.2/2025.

4. The Hon'ble Supreme Court in the case of '*Dadu Alias Tulsidas Vs. State of Maharashtra*' reported in '*(2000) 8 Supreme Court Cases 437*', held that Section 32-A of NDPS Act would not affect the powers of the authorities to grant parole. Considering the aforesaid decision, a Co-ordinate Bench of this Court in **W.P.No.22285 of 2023**, had granted leave to the convict prisoner in exercise of powers under Article 226 of the Constitution of India.

5. Learned Additional Public Prosecutor has produced a report of the Probation Officer dated 11.03.2025. In the report, it is submitted that the petitioner's family is not residing the address stated in their report and it is reported that they have shifted the house recently.



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6. In view of the aforesaid decision of the Hon'ble Supreme Court, we are inclined to consider the prayer sought for in this Writ Petition.

7. Accordingly, the impugned order dated 19.02.2025 passed in No.730117/Tha.Ku.2/2025 by the second respondent, is hereby quashed. Consequently there shall be a direction to the respondents herein, to grant 21 days ordinary leave **“without escort”** to the petitioner / convict prisoner namely Mr.Dubash Shankar, S/o.Thirunavukkarasu, aged about 40 years, Convict No.11075, commencing from 02.05.2025 to 22.05.2025, with a condition that the convict prisoner shall report before the jurisdictional Police i.e. P6, Kodungaiyur Police Station, Chennai, twice a week on Mondays and Thursdays at 10.30 am. After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authorities on 23.05.2025 before 10.00 a.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.

8. With the above direction, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.



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[M.S.R, J.]

[N.S, J.]

25.04.2025

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Index: Yes/No

Neutral Citation

Note: Issue Order Copy on 30.04.2025

To

1.The Deputy Inspector General of Prisons  
Chennai Range  
Prison Head Quarters  
Whannels Road  
Egmore  
Chennai 600 008

2.The Superintendent of Prisons  
Central Prison - I  
Puzhal  
Chennai 600 066

3.The Public Prosecutor,  
High Court, Madras.

4. The Inspector of Police,  
P6, Kodungaiyur Police Station, Chennai.

M.S.RAMESH, J.  
and  
SUNDER MOHAN, J.



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