



W.P.No.8260 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.8260 of 2025
and W.M.P.No.9269 of 2025

A.Narkeesh Banu

... Petitioner

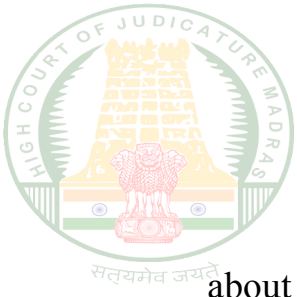
Vs.

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
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 connected with impugned order in proceeding No.714639/ Tha.ku2/2025 dated 12.02.2025 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, Abdul Adam, S/o.Samsudeen, aged



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about 43 years, bearing Convict No.7813, confined at Central Prison - I, Puzhal.

For Petitioner : M/s.S.Sadhana
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

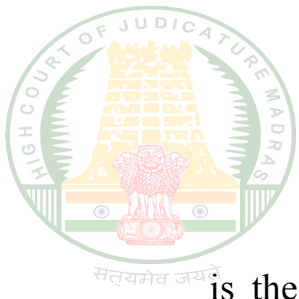
ORDER

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

This Writ Petition has been filed challenging the impugned order dated 12.02.2025, rejecting the representation of the petitioner, seeking ordinary leave for a period of 30 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 that the petitioner



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is the wife of the convict prisoner, her uterus is affected and that an operation should be done immediately, failing which her life would be put in danger. The doctor has advised that immediate surgery to be done in the uterus. Due to financial difficulties and with the salary earned by her, she could only take care of the day to day expenses. Hence, the presence of the petitioner will make her comfort to go for surgery and also for arranging finance for her treatment. The representation given by the petitioner was rejected by the 2nd respondent vide proceedings dated No.714639/ Tha.ku2/2025 dated 12.02.2025.

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.



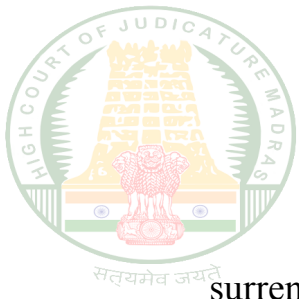
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5. Learned Additional Public Prosecutor has produced a report of the Probation Officer dated 10.03.2025. In the report, the Probation Officer has recommended for the grant of leave.

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

7. Accordingly, the impugned proceeding No.714639/ Tha.ku2/2025 dated 12.02.2025 passed by the second respondent is hereby quashed. Consequently there shall be a direction to the respondents herein, to grant 10 days ordinary leave **“without escort”** to the petitioner / convict prisoner namely Mr.Abdul Adam, S/o.Samsudeen, aged about 44 years, Convict No.7813, commencing from 02.05.2025 to 12.05.2025, with a condition that the convict prisoner shall report before the jurisdictional Police i.e. Patteswaram Police Station, Kumbakonam, twice a week on Mondays and Thursdays at 10.30 am. After expiry of the Ordinary Leave, the convict prisoner shall



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surrender before the Jail Authorities on 13.05.2025 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.

[M.S.R, J.]

[N.S, J.]

25.04.2025

kas

Index: Yes/No

Neutral Citation

Note: Issue Order Copy on 30.04.2025

To

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

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

3.The Public Prosecutor,
High Court, Madras.

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

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and W.M.P.No.9269 of 2025

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