



W.P.(MD)No.9906 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P.(MD)No.9906 of 2023

Thangamani

... Petitioner

Vs.

1.The State of Tamil Nadu, Rep. by,
The Principal Secretary to Government,
Home (Prison) Department, State of Tamil Nadu,
Secretariat, St.George Fort, Chennai-9.

2.The Additional Director General of Police /
Inspector General of Prisons,
C.M.D.A. Towers II, No.1, Gandhi Irvin Road,
Egmore, Chennai-8.

3.The Superintendent of Prison,
Central Prison, Madurai,
Madurai District.

...Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to release the petitioner's husband by name Murugan @ Balamurugan, Son of Muniyasamy, aged about 42 years, now confining at Central Prison, Madurai under premature release on the basis of the G.O.No.1155, Home (Pri IV) Department, dated 11.09.2008 or G.O.No.488, Home (Pri IV) Department, dated 15.11.2021 or any other appropriate order or Government scheme in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.C.Arul Vadivel @ Sekar,
Senior Counsel for Mr.R.Alagumani

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

This Writ Petition is filed for a direction to the respondents to release the petitioner's husband, namely, Murugan @ Balamurugan, S/o. Muniyasamy, aged about 42 years, now confining at Central Prison, Madurai under premature release on the basis of G.O.No.1155, Home (Pri IV) Department, dated 11.09.2008 or G.O.No.488, Home (Pri IV)



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Department, dated 15.11.2021 or any other appropriate order or Government scheme in accordance with law, within the time stipulated by this Court.

2.The husband of the petitioner has been in incarceration since 2009 as life convict at Central Prison, Madurai. Due to long years of incarceration, the petitioner on behalf of her husband had given a representation to the jail authorities on 25.03.2023 to consider premature release of her husband.

3.On receipt of the said representation submitted by the petitioner, the Director General of Prisons had given a communication on 04.04.2023 stating the following:-

“மதுரை மத்திய சிறையில் அனுமதிக்கப்பட்டுள்ள ஆயுள் தண்டனை சிறைவாசி எண்.5011 முருகன் (எ) பாலமுருகன், த.பெ.முனிசாமி என்பவர் உட்பட அரசாணை எண்.488 உள்(சிறை 4) துறை, நாள்.15.11.2021ல் வகுக்கப்பட்ட நெறிமுறைகளின்படி, தகுதியுள்ள சிறைவாசிகளின் நேர்வுகளில், அரசிற்கு செயற்குறிப்பு அனுப்பப்பட்டு, அரசின் பரிசீலனையில் உள்ளது என்ற விவரம் மனுதாரருக்கு தெரிவிக்கப்படுகிறது.□

4.At this juncture, the present Writ Petition has been filed.



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5.Mr.C.Arul Vadivel @ Sekar, learned Senior Counsel appearing for the petitioner would submit that totally, there are six accused in the case along with the husband of the petitioner and five of them had already been released by way of premature release six months back and the petitioner's husband is the only remaining convict yet to be released.

6.Therefore, this should be taken into account, according to the learned Senior Counsel for the petitioner, by considering the request of the petitioner by the Government. Hence, he seeks indulgence of this Court to issue a direction to consider the representation submitted by the petitioner dated 25.03.2023 and pass necessary orders thereon within a time frame that may be stipulated by this Court.

7.Heard Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents, who would submit that as has been communicated by the letter dated 04.04.2024, the request made by the petitioner is under consideration of the Government. Therefore, the Government would soon take a decision on merits and the same would be communicated to the petitioner.



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8.Having regard to the said submissions made by the learned counsel on both sides and taking note of the aforesaid factual matrix of this case, we are inclined to pass the following order:-

“that there shall be a direction to the respondent Government to consider the request of the petitioner dated 25.03.2023 and pass necessary orders thereon by considering the merits of the case, especially, in the context of co-convicts have already been released six months back by way of premature release and accordingly, take a decision thereon and communicate the same to the petitioner as early as possible, preferably, within a period of six (6) weeks from the date of receipt of a copy of this order.”

9.With this direction, this Writ Petition is disposed of. No costs.

(R.S.K., J.) & (K.K.R.K, J.)

26.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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R.SURESH KUMAR, J.

AND

K.K.RAMAKRISHNAN, J.

MYR

To

- 1.The Principal Secretary to Government,
Home (Prison) Department, State of Tamil Nadu,
Secretariat, St.George Fort, Chennai-9.
- 2.The Additional Director General of Police /
Inspector General of Prisons,
C.M.D.A. Towers II, No.1, Gandhi Irvin Road,
Egmore, Chennai-8.
- 3.The Superintendent of Prison,
Central Prison, Madurai,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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26.04.2023