



eIN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-08-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

WP CrI. No. 592 of 2026

M.S.Boopalan
S/o. Mathiyazhagan,
No.184, Near Agaram Mahal,
Sangagiri Main Road,
Annathanapatty,
Salem Distrit -2.

..Petitioner(s)

Vs

1. The State Rep.by its, The Additional Chief Secretary
Home (Prison-IV) Department, St.George,
Fort, Chennai – 9.
2. The Director General of Prisons and Correctional Services,
Whannels Road, Egmore,
Chennai - 008.
3. The Superintendent of Prison,
Central Prison at Salem,
Hasthampatty,
Salem - 7.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorified Mandamus or any other appropriate Writ or Direction to call for the records pertains to the impugned order in No.G.O.(D) No.1446 dated 10.11.2025 passed by the 1st respondent and quash the same and direct the respondents to release forthwith the Convict / petitioner's father



namely Mr.Mathi @ Mathiyalagan S/o. Siddtha Gounder (PID No.25715) and may pass further or other order.

WEB COPY For Petitioner(s):

Mr.M.Mohamed Saifulla

For Respondent(s):

Mr.C.R.Malarvannan,
Counsel For Government Of Tamil Nadu
(Criminal Side)

Order

(Order of the Court was made by Dr.Anita Sumanth, J.)

The petitioner is the son of a life convict one Mathi @ Mathiyalagan, S/o. Siddtha Gounder, who is confined in Central Prison, Salem (convict).

2. The convict had sought premature release seeking the benefit of the prison Rules and based on his good conduct in the prison. Though the prison authorities and probation officer had given him a clean chit and a positive recommendation, the State Level Committee (Committee) was of the view that they were not in a position to recommend his premature release.

3. When the matter went to the Government, after assessing the merits and demerits of the plea, the State decided to abide by the negative report of the Committee and reject the premature release application. Hence this writ petition.

4. Mr.Mohamed Saifulla, who appears for the petitioner would make the following submissions. He would draw attention to the fact that the reports of the probation officer and police authorities were in favour of the convict. Those



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reports, according to him, have not been taken into account in proper perspective by the Committee. That apart, the Government is not bound by the adverse recommendations of the Committee and ought to have exercised its discretion to release the convict, particularly seeing as the convict has spent more than seventeen years in incarceration.

5. Per contra, Mr.Malarvannan, who appears for the State, would submit that offences for which the convict had been convicted were heinous, the authorities have, at every stage, assessed the matter in proper perspective taking note of all relevant parameters to consider the case and hence there is nothing untoward in the impugned order.

6. We have heard both learned counsel.

7. The petitioner had earlier instituted WP CrI. No. 487 of 2025 to direct the respondents to release the convict prematurely. That writ petition was disposed directing the authorities to consider the representation in accordance with law. Thereafter, the machinery for consideration of the premature release application swung into motion and reports were obtained from the probation officer and the police authorities.

8. It appears, as the petitioner has rightly projected, that the authorities have stated that the conduct of the convict was satisfactory and he has been engaged in various activities both within and without the prison. Thereafter, and per Rule 350 of the Tamil Nadu Prison Rules, 2024, the State Level Committee had convened to consider the records of the convict and had made the following



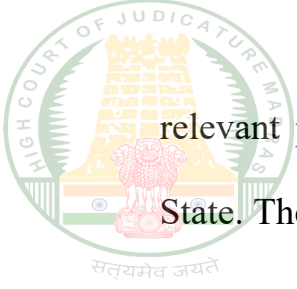
observations:-

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- “i. The Life Convict Prisoner was convicted for an offence, involving murder for gain by a gang during a house tresspass in which two persons, including a woman, were killed.*
- ii. While the convict has shown remorse, completed more than 16 years of incarceration and demonstrated behavioral change, the severity of the crime indicates a serious risk. Considering the nature of the offence, the potential for re-offending cannot be entirely ruled out.*
- iii. The Convict Prisoner has maintained good conduct, engaged in prison work including the bazaar and petrol bunk and completed education upto 10th standard. Behavioral improvements have been noted, reflecting reformation during incarceration.*
- iv. The prisoner is in good physical health and his mental health evaluation reflects a self-reflective and optimistic outlook, with readiness for rehabilitation.*
- v. Although his family is willing to support him after release, the objection from a victim’s legal heir and the fact that a co-accused in the same case was not recommended by this Committee (earlier i.e., in 1st quarter) weigh heavily against his reintegration at this stage.”*

9. A perusal of the findings and the manner of assessment of the convict’s case by the Committee leave us in no doubt that the assessment has been non-partisan and has taken into consideration all relevant parameters in coming to the conclusion that the case was not yet ripe for positive consideration. We find that the Committee has taken a balanced approach in weighing the case of the convict, though coming to an adverse conclusion.

10. When the matter was escalated before the Government and the report of the Committee placed before the Government, we find that the Government had also examined the case of the convict carefully. After examining the



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relevant parameters, it is the report of the Committee that weighed with the State. The conclusion of the State are as follows:-

- “i. The Life Convict Prisoner was convicted for an offence, involving murder for gain by a gang during a house trespass in which two persons, including a woman, were killed.*
- ii. While the convict has shown remorse, completed more than 16 years of incarceration and demonstrated behavioral change, the severity of the crime indicates a serious risk. Considering the nature of the offence, the potential for re-offending cannot be entirely ruled out.*
- iii. The State Level Committee has not recommended for premature release of the above Life Convict Prisoner considering that the nature of the crime being murder for gain, the objection of the victim’s legal heir and the fact that a co-accused in the same case has not been considered for release, the Committee finds no valid grounds for consideration of his premature release.”*

11. On an overall consideration of the process undertaken, we do not find anything erroneous. Reports have been obtained at all stages i.e., the probation officer, police authorities, the State Level Committee and the Government and we find that at every stage, the case of the convict has been assessed in an appropriate manner. Coming to the conclusions themselves, as the orders are discretionary in nature, and we do not find them perverse, we do not wish to intervene,

12. A perusal of the observations at every level indicates to us that all relevant parameters, both positive and negative, have been taken into account by the authorities. Ultimately, they have come to the conclusion that it was not



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yet time for premature release of the convict. We must hasten to add that this does not necessarily mean that the convict would not be entitled to the benefit of premature release in the near future and it is for the convict to renew his application, continuing his efforts to maintain good conduct, while in incarceration.

13. We find that the major objections against the premature release relate to the objection of the victim's legal heir and the fact that a co-accused has not been considered for premature release. The authorities may, if and when premature release application is once again filed by the convict, take note of all applicable parameters, and if convinced that he is entitled to premature release, put in sufficient safeguards to ensure that the above two parameters that stand to his detriment, are suitably redressed in dealing with his case.

14. We dismiss the writ petition though with the above liberty. No costs.

(A.S.M.,J.) (S.M.,J.)
03-08-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes

ssm

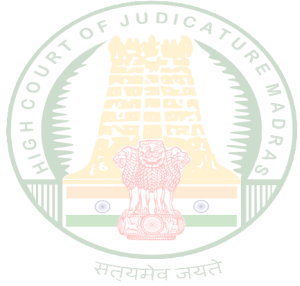
To

1. The Additional Chief Secretary
Home (Prison-IV) Department,
St.George, Fort, Chennai – 9.



2. The Director General of Prisons and Correctional Services, Whannels Road, Egmore, Chennai - 008.
3. The Superintendent of Prison, Central Prison at Salem, Hasthampatty, Salem – 7.
4. The Public Prosecutor, High Court, Madras.

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DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.

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