

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.07.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P. No.1558 of 2015

J.Janaki

... Petitioner

-v-

1.State of Tamilnadu,
rep. by its Secretary,
Department for Home,
Fort St. George, Chennai-9.

2.Additional Director General of Police/
Inspector General of Prisons,
CMDA Tower-II, No.1 Gandhi Irwin Road,
Egmore, Chennai-8.

3.The Superintendent of Central Prison,
Salem-636 007.

4.The Superintendent of Central Prison,
Puzhal, Chennai-600 066.

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus directing the fourth respondent to produce R.Jayapal, who is detenu, life convict No.1279, now confined at Central Prison, Puzhal, Chennai, before this Court and to set him at liberty.

For Petitioner : M/s.Lakshmipriya Associates

For Respondents: Mr.A.N.Thambi Durai, APP

O R D E R

(Order of the Court made by S.TAMILVANAN,J.)

This petition has been filed by the petitioner/daughter of the detenu R.Jayapal, life convict No.1279, now confined at Central Prison, Puzhal, Chennai, directing the fourth respondent to cause production of her father and to set him at liberty.

2.Learned counsel for the petitioner submitted that the detenu/convicted accused was in Central Prison, Puzhal, Chennai for

more than 20 years and that now he has been shifted to Central Prison, Vellore. Learned counsel for the petitioner drew the attention of this Court to page No.34 of the typed set of papers, whereby the District Collector (incharge), Chennai District has addressed a letter to the Superintendent of Central Prison, Puzhal, Chennai, recommending for the release of the detenu on the ground that the case in C.C. No.3760/1997 was dismissed on 27.07.2011 in favour of the detenu and the probation officer has also certified the conduct of the detenu in his favour.

3.Learned Additional Public Prosecutor would submit that the process of making representation for consideration of remission of the detenu's sentence is in progress, based on the report of the District Collector and the concerned authorities and that it may take four weeks time to complete the process.

4.Having considered the submissions made on either side, we find it just and reasonable to direct the respondents to pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. This petition is disposed of accordingly.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vga
To

- 1.The Secretary,
Department for Home,
Fort St. George, Chennai-9.
- 2.Additional Director General of Police/
Inspector General of Prisons,
CMDA Tower-II, No.1 Gandhi Irwin Road,
Egmore, Chennai-8.
- 3.The Superintendent of Central Prison,
Salem-636 007.
- 4.The Superintendent of Central Prison,
Puzhal, Chennai-600 066.
- 5.The Superintendent of Central Prison, Vellore.
- 6.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1 cc to M/s.S.Vishnupriya, Advocate, sr.38165.

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kra(31/07)