

In the High Court of Judicature at Madras

Dated: 18.11.2015

Coram

The Honourable Mr.JUSTICE R.SUDHAKAR

and

The Honourable Mr.JUSTICE P.N.PRAKASH

Habeas Corpus Petition No.2771 of 2015

Michael Raj

.. Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Additional Director General of Police
& Inspector General of Prisons,
Gandhi Irwin Road, Egmore,
Chennai - 600 008.
3. The Superintendent of Prisons,
Central Prison, Palayamkottai,
Tirunelveli.

.... Respondents

PETITION under Section 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus directing the respondents to produce the petitioner, namely, Michael Raj, S/o Mariya Siluvai, Life Convict, aged about 50 years, now confined in the Central Prison, Palayamkottai, Thirunelveli before this Court and set him at liberty.

For Petitioner : Mr.P.Pugalenthir

For Respondent : Mr.A.N.Thambidurai,
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by P.N.PRAKASH,J.)

It is seen that the petitioner has earlier got the benefit of G.O.Ms.No.1155 Home (Prison-IV) Department dated 11.09.2008 and was released. At the time of release, he had executed an indemnity bond undertaking that he will not involve himself in any offence.

2. It is seen that after the release, he was involved in a case in Crime No.48 of 2011 for the offences under Section 457 and 380 of IPC, on account of which, the remission granted to him in terms of G.O.Ms.No.1155 dated 11.09.2008 was revoked and he was put back into the prison. It is stated that in Crime No.48 of 2011, after trial, he was acquitted by the trial Court, viz., Judicial Magistrate Court No.2, Tuticorin, however, the details of which have not been provided by the petitioner.

3. Now, it is the case of the petitioner that since he has been acquitted in the case in Crime No.48 of 2011, subject to the verification of the said statement, he is entitled to be released under G.O.Ms.No.1155 dated 11.09.2008.

4. In the considered opinion of the Court, on this score, Writ of Habeas Corpus cannot be issued. Hence, this Petition stands closed giving liberty to the petitioner to submit a representation, seeking release from the jail, to the first respondent, who on receipt of such representation, shall consider and dispose of the same on merits and in accordance with law.

S1

Sd/-

Assistant Registrar (Judicial)

/True Copy/

Sub-Assistant Registrar

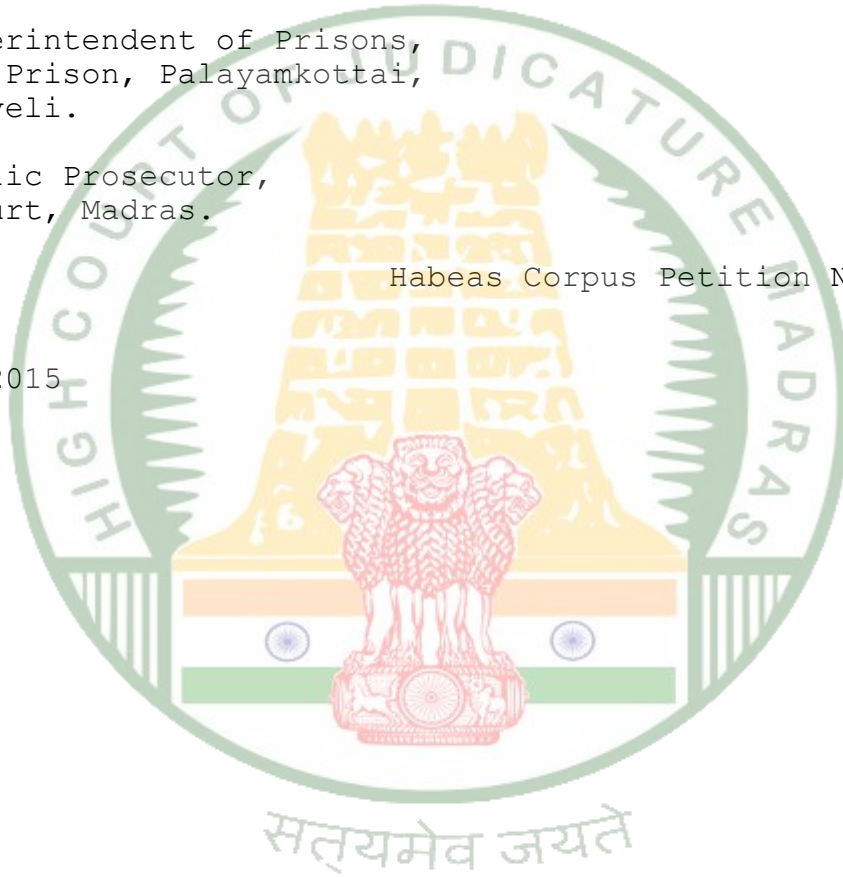
To

1. The Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Additional Director General of Police
& Inspector General of Prisons,
Gandhi Irwin Road, Egmore,
Chennai - 600 008.
3. The Superintendent of Prisons,
Central Prison, Palayamkottai,
Tirunelveli.
4. The Public Prosecutor,
High Court, Madras.

Habeas Corpus Petition No.2771 of 2015

SK(CO)

sd : 10/12/2015



WEB COPY