

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.10.2015

CORAM:

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

H.C.P.No.572/2014

M.Sivalingam

.. Petitioner

Vs

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

.. Respondents

Prayer:- This Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying for a writ of Habeas Corpus directing the respondents to produce the petitioner's brother namely Soundarrajan, S/o.Marimuthu, aged about 48 years, Life Convict No.76615, confined in the Central Prison, Coimbatore, before this Court and directing the respondents to consider the petitioner's brother immediately under G.O. Ms.No.1155 Home (Prison-IV) Department dated 11.09.2008, for premature release and set him at liberty.

For Petitioner : Mr.P.Pugalenthir
For Respondents : Mr.A.N.Thambidurai
Additional Public Prosecutor

ORDER

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

The petitioner, who is the brother of the detenu, namely, Soundarrajan, S/o.Marimuthu, aged about 48 years, Life Convict No.76615, confined in the Central Prison, Coimbatore, has come

forward with this petition praying to direct the respondents to consider the case of the petitioner's brother immediately under G.O.Ms.No.1155 and to set him at liberty.

2.It is the case of the petitioner that the petitioner's brother was arrested by the Inspector of Police, Singanallur Police Station, Coimbatore in Cr.No.409/1998 for the offence under Sections 302 and 498(A) IPC. It is his further case that the petitioner's brother was sentenced to undergo life imprisonment for the offence u/s.302 IPC and further he was convicted u/s.498(A) IPC and sentenced to undergo two years rigorous imprisonment and the same was confirmed in the appeal filed by the detenu by this Court. Learned counsel for the petitioner further submitted that the detenu has been in prison for more than 14 years of imprisonment as a life convict and as on 15.09.2008, he had completed more than 8 years of actual imprisonment as a life convict. To avail the benefits granted by the Government in G.O.Ms.No.1155, Home [Prison-IV] Department, dated 11.09.2008, the detenu made a representation dated 07.02.2014 for pre-mature release and the same has not been considered yet. Though similarly placed persons have been considered and have been granted pre-mature release, the case of the petitioner's brother/detenu alone has not been considered under the said Government Order. Hence, this Habeas Corpus Petition has been filed with the aforesaid prayer.

3.The Division Bench of this Court in HCP.No.159 of 2014 dated 20.02.2014 has considered the pre-mature release and by applying the provision of law, allowed the said petition and directed the detenu therein to be released forthwith in terms of G.O.Ms.No.1155, Home [Prison-IV] dated 11.09.2008. Admittedly, the same G.O. is squarely applicable to the facts of this case on hand.

4.The learned Additional Public Prosecutor also admits this position.

5.Therefore, this Habeas Corpus Petition is allowed and the petitioner's brother/detenu namely, Soundarrajan, S/o.Marimuthu, aged about 48 years, Life Convict No.76615, confined in the Central Prison, Coimbatore, is directed to be released forthwith in terms of G.O.Ms.No.1155, Home [Prison-IV] dated 11.09.2008, unless his presence is required in connection with any other cases.

vga

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

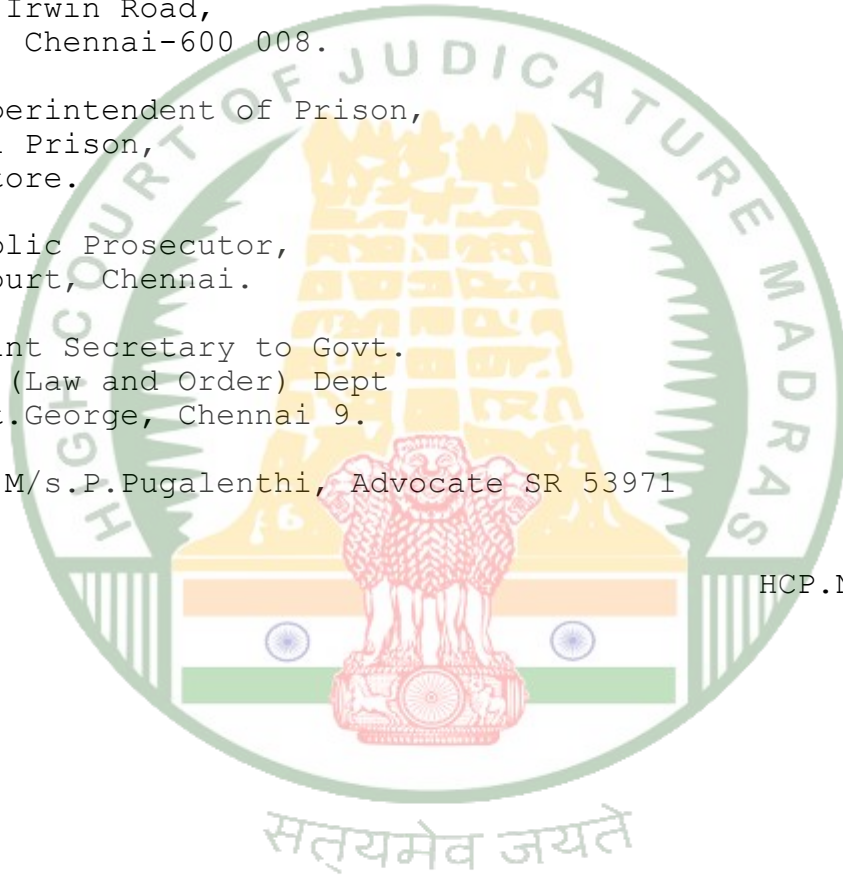
To

1. The State of Tamil Nadu,
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2. The Additional Director General of Police &
I.G. of Prisons,
Gandhi Irwin Road,
Egmore, Chennai-600 008.
3. The Superintendent of Prison,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court, Chennai.
5. The Joint Secretary to Govt.
Public (Law and Order) Dept
Fort St.George, Chennai 9.

+ 1 cc to M/s.P.Pugalenthir, Advocate SR 53971

rsk(co)
prk13/10

HCP.No.572/2014



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