

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R. SUDHAKAR
AND
THE HONOURABLE MR. JUSTICE P.N.PRAKASH

HCP.No.2304/2013

Manikandan

.. Petitioner

Versus

- 1.The Principal Secretary to Government
State of Tamilnadu, Home [Prison]
Department, TN Govt Chief Secretariat,
Fort St George, Chennai 600 009.
- 2.The Additional Director General of Police/
Inspector General of Prison, CMDA Towers II
No.1, Gandhi Irwin Road, Egmore, Chennai-8.
- 3.The Superintendent of Prison
Madurai Central Prison,
Madurai District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the respondents to produce the body and person of the detenu namely Manikandan, son of Kasiya, aged about 35 years now confining at Madurai Central Prison as life convict before this Court and set him at liberty forthwith, by extending the benefit to the petitioner under G.O.Ms.No.1155, Home [Pri IV] Department/2009 dated 24.12.2009.

For Petitioner : Mr.R.Vijayakumar
For R1 to R3 : Mr.A.N.Thambidurai
Addl. Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.,]

The above petition has been filed by the petitioner/the detenu herein, a life convict, viz., Manikandan, son of Kasiya, aged about 35 years, who is confined at the Central Prison, Madurai, seeking premature release by extending the benefit of G.O.Ms.No.1155, Home [Prison IV] Department dated 24.12.2009.

2 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials placed before this Court including the counter affidavit filed by the respondents.

3 It is seen that on an earlier occasion, the mother of the petitioner herein had filed HCP [MD] No.385/2009, seeking for the similar relief and the said petition was dismissed by the Division Bench of the Madurai Bench of this Court on 29.07.2009 with the following direction:-

".....

9.In the result, the Habeas Corpus Petition is dismissed giving liberty to the petitioner to make a representation to the Government, if she is so advised. If such a representation is received, the respondents shall consider the same, within four weeks from the date of receipt of the representation."

4 Without complying with the above direction of this Court, the petitioner has, once again approached this Court by way of filing the present Habeas Corpus Petition, seeking the very same relief. Hence, we find no reason to entertain this petition on the very same plea.

5 Accordingly, the Habeas Corpus Petition is dismissed, giving liberty to the petitioner to pursue the matter as per the direction given by this Court in HCP [MD] No.385/2009 dated 29.07.2009.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Principal Secretary to Government
State of Tamilnadu, Home [Prison]
Department, TN Govt Chief Secretariat,
Fort St George, Chennai 600 009.
- 2.The Additional Director General of Police/
Inspector General of Prison, CMDA Towers II
No.1, Gandhi Irwin Road, Egmore, Chennai-8.
- 3.The Superintendent of Prison
Madurai Central Prison, Madurai District.
- 4.The Public Prosecutor
High Court, Chennai.

SK(CO)
EU 30.11.15

HCP.No.2304/2013

सत्यमेव जयते

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