

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.09.2015

CORAM

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

H.C.P. No.2597 of 2013

D.Dhamayanthi

... Petitioner

-v-

The State represented by

1.The Secretary to Government
of Tamil Nadu,
Department of Home,
Fort St. George, Chennai-600 009.

2.The Additional Director General of Prison,
C.M.D.A. Towers, Egmore,
Chennai-600 008.

3.The Superintendent of Prison,
Central Prison, Coimbatore.

.... 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 respondents to produce the detenu Duraisamy @ Periyadurai, aged about 61 years, S/o.Ramasamy, Convict No.713 detained at Central Prison, Coimbatore, before this Court and to set him at liberty.

For Petitioner : Mr.S.Manoharan

For Respondents: Mr.A.N.Thambi Durai
Additional Public Prosecutor

ORDER

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

This petition has been filed by the petitioner/wife of the detenu Duraisamy @ Periyadurai, aged about 61 years, S/o.Ramasamy, to cause production of her husband before this Court and to set him at liberty.

2.Learned counsel for the petitioner would submit that the petitioner is entitled for premature release, as per G.O. Ms. No.1155, Home (Prison-IV) Department, dated 11.09.2008.

3.Learned Additional Public Prosecutor appearing for respondents drew the attention of this Court to para 2 of the counter, filed by the respondents, wherein it is stated that the detenu was convicted for the offence under Section 326 IPC and sentenced to undergo 5 years rigorous imprisonment and to pay a fine of Rs.1,000/- and in default to undergo one month rigorous imprisonment; convicted for the offence under Section 302 IPC and sentenced to undergo life imprisonment, convicted for the offence under Section 148 IPC and sentenced to undergo one year rigorous imprisonment; and convicted for the offence under Section 5 of Tamil Nadu Protection of Interest of Depositors Act, 1997 and sentenced to undergo one month rigorous imprisonment and to pay a fine of Rs.20,000/- and that he has undergone nearly 10 years of substantive sentence. Hence, he objected to grant of premature release.

4.Having considered the submission made on either side and considering the facts and circumstances of the case, we are of the view that to refer the matter before the concerned Authority. Accordingly, the Authority shall consider the request of the petitioner, as per G.O. cited by the learned counsel for the petitioner and other relevant G.Os. and shall pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. This petition is ordered accordingly.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

vga

To

1.The Secretary to Government
of Tamil Nadu,
Department of Home,
Fort St. George, Chennai-600 009.

2.The Additional Director General of Prison,
C.M.D.A. Towers, Egmore,
Chennai-600 008.

3.The Superintendent of Prison,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1 cc to M/s.S.Manokaran, Adocate, sr.47131

rsk co, kra 16/09

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