

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.12.2015

CORAM

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

HCP.No.2937/2013

F.Kalarani

.. Petitioner

Versus

1.The Secretary to Government
State of Tamilnadu
Home, Prohibition & Excise Dept.,
Secretariat, Chennai 600009.

2.The Additional Director General of Prisons
Gandhi Irwin Road, Egmore,
Chennai 600 008.

.. 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 petitioner's uncle namely Selva @ Selvaraj, son of Karuppaiya, [Convict No.1000] aged about 46 years who is now confined as a life convict in the Central Prison, Palayamkottai before this Court and set him at liberty.

For Petitioner : Mr.P.Pugalenthir

For Respondent : Mr.A.N.Thambidurai

Additional Public Prosecutor

ORDER

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

The above petition has been filed by the petitioner/niece of the detenu/life convict Selva @ Selvaraj, life convict No.1000, who is confined in the Central Prison, Palayamkottai, seeking for the benefit of premature release based on the Government Order in G.O.Ms.No.1326, Home [Prison IV] Department dated 12.09.2007.

2 Heard the submissions of the learned counsel appearing for the petitioner and Mr.A.N.Thambidurai, learned Additional Public Prosecutor appearing for the respondents and also

perused the counter affidavit dated 09.04.2014 filed on behalf of the respondents.

3 It is the case of the petitioner that her uncle is a life convict who is undergoing imprisonment for life in the Central Prison, Palayamkottai and that he should be released on remission.

4 Learned Additional Public Prosecutor produced a communication dated 08.10.2013 sent by 2nd respondent, viz., the Additional Director General of Prisons/Inspector General of Prisons, Chennai to the 1st respondent, viz., the Principal Secretary to Government, Home [Prison-IV] Department, Secretariat, Chennai-9, wherein the 2nd respondent herein has forwarded the records relating to the detenu for premature release on humanitarian grounds.

5 As evidenced from the said communication dated 08.10.2013, the records relating to the detenu Selva @ Selvaraj, life convict [Convict No.1000] has been forwarded by the 2nd respondent to the 1st respondent for passing appropriate orders.

6 Accordingly, the 1st respondent is directed consider the claim of the detenu for premature release, on the basis of the communication sent by the 2nd respondent dated 08.10.2013 and pass appropriate orders on merits and in accordance with law as expeditiously as possible.

7 The Habeas Corpus Petition is disposed of accordingly.

Sd/-
Assistant Registrar (CS-III)

True Copy

Sub Assistant Registrar

To

1.The Secretary to Government
State of Tamilnadu
Home, Prohibition & Excise Dept.,
Secretariat, Chennai 600009.

2.The Additional Director General of Prisons
Gandhi Irwin Road, Egmore, Chennai 600 008.

3.The Public Prosecutor
High Court, Madras.

+lcc to M/S.P.Pugalandhi, Advocate Sr.67804

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srg 04/01/2016



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