

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.09.2015

CORAM:

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND

THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P.No.3301/2013

Shanmugavadivu

.. Petitioner

Vs

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Home, Prohibition & Excise Department
Fort St. George, 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 husband namely Govindaraj, S/o.Thangavel, aged about 60 years, Life Convict No.71725, confined in the Central Prison, Coimbatore, before this Court and direct the respondents to consider the petitioner's husband 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 wife of the detenu, namely, Govindaraj, S/o.Thangavel, aged about 60 years, [Life Convict No.71725], has come forward with this petition praying to direct

the respondents to consider the petitioner's husband case immediately under G.O.Ms.No.1155 and set him at liberty.

2.It is the case of the petitioner that the petitioner's husband was arrested by the Inspector of Police, Thirupur South Police Station, Thirupur in Cr.No.1016/1994 for the offence under Sections 498(A) and 302 IPC. It is her further case that the petitioner's husband 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 three 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, she made a representation dated 15.12.2013 for pre-mature release and the same has not been considered yet. Though similarly placed persons have been considered and granted pre-mature release, the case of the petitioner's husband/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.

Therefore, this Habeas Corpus Petition is allowed and the petitioner's husband/detenu [Life Convict No.71725], who is 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.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

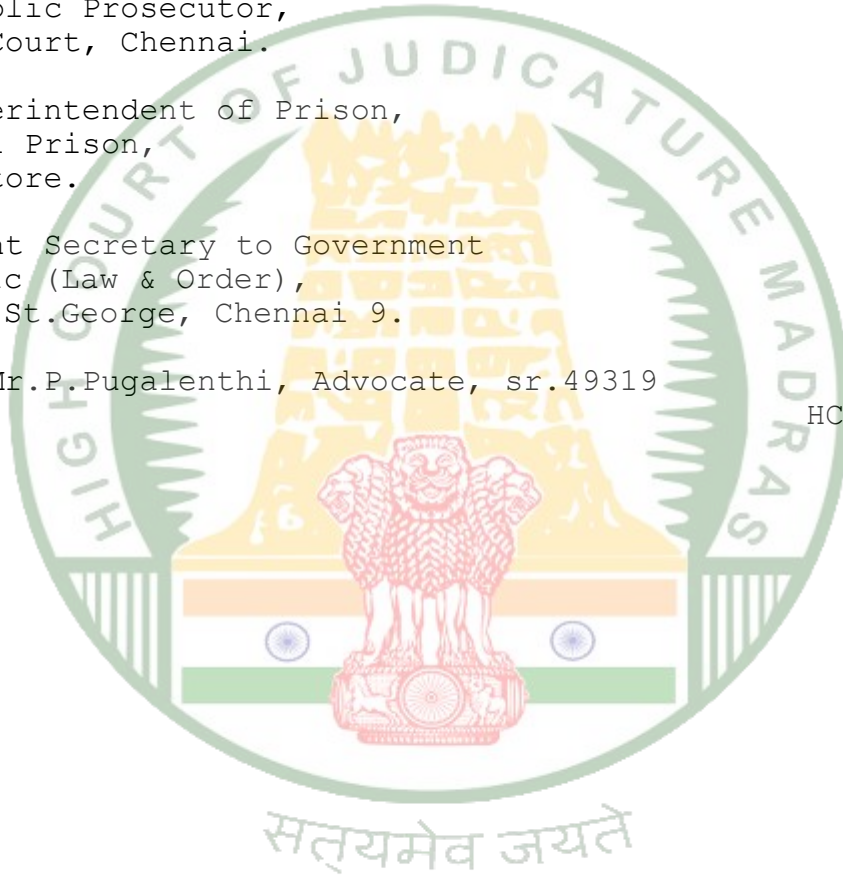
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To

- 1.The Secretary,
The State of Tamil Nadu,
Home, Prohibition & Excise Department
Fort St. George, Chennai 600 009.
 - 2.The Additional Director General of Police &
I.G. of Prisons,
Gandhi Irwin Road,
Egmore, Chennai-600 008.
 3. The Public Prosecutor,
High Court, Chennai.
 - 4.The Superintendent of Prison,
Central Prison,
Coimbatore.
 - 5.The Joint Secretary to Government
Public (Law & Order),
Fort St.George, Chennai 9.
- +1 cc to Mr.P.Pugalthi, Advocate, sr.49319

HCP.No.3301/2013

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