

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 09.12.2015

CORAM

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

H.C.P. NO. 3305 OF 2013

N.Krishnamurthi

.. Petitioner

- Vs -

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

Petition filed for the issuance of a writ of habeas corpus directing the respondents to produce the detenu, R.Rajkumar, S/o Late B.N.Rama Gowder, confined in Central Prison, Coimbatore, before this Court and direct the respondents to consider the petitioner immediately under G.O. (Ms.) No.1155 Home (Prison-IV) Dept., dated 11.9.2008 and set him at liberty.

For Petitioner : Mr. J.Franklin

For Respondents : Mr. A.N.Thambidurai, APP

WEB ORDER COPY
(DELIVERED BY P.N.PRAKASH, J.)

The present petition has been filed by the petitioner for a direction to the respondents to produce the detenu, R.Rajkumar, S/o Late B.N.Rama Gowder, confined in Central Prison, Coimbatore, before this Court and direct the respondents to consider the petitioner immediately under G.O. (Ms.) No.1155 Home (Prison-IV) Dept., dated 11.9.2008 and set him at liberty.

2. It is the case of the petitioner that he is the friend of the detenu, who has been convicted and sentenced to imprisonment for life under Section 498-A and 302 IPC and is presently lodged in Central Prison, Coimbatore since 7.1.02. It is the further stand of the petitioner that the detenu is entitled to be released in terms of G.O. (Ms.) No.1155 Home (Prison-IV) Dept., dated 11.09.08. However, he has not been released on the ground that the detenu has suffered conviction for the offence under Section 498-A, which is not in consonance with the above Government Order. Hence, the present petition has been filed for a direction to the authorities to grant the benefit of the above referred to Government Order in the case of the detenu.

3. Heard the learned counsel appearing for the petitioner and the learned Addl. Public Prosecutor appearing for the respondents.

4. Learned Addl. Public Prosecutor, on instructions, submits that the representation of the petitioner dated 12.12.2013, was considered and reply has been sent to the petitioner vide the letter of the Superintendent of Central Prison, Coimbatore in Lr. No.23078/R2/2013 dated 22.1.2014.

5. In such view of the matter, to serve the ends of justice, this Court directs the Superintendent of Central Prison, Coimbatore, to serve a copy of the reply to the convict/detenu under due acknowledgement. On receipt of the copy of the reply, the detenu is at liberty to work out his remedies in a manner known to law. With the above observations and directions, this habeas corpus petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

GLN

To

1. The Secretary to Govt.
Home, Prohibition & Excise Dept.
Government of Tamil Nadu
Secretariat, Chennai 600 009.
2. The Additional Director General of Prisons
Gandhi Irwin Road
Egmore, Chennai 600 008.
3. The Superintendent of Prisons
Central Prison
Coimbatore.

4. The Public Prosecutor
High Court
Madras.

2 ccs to M/s. J. Franklin, Advocate, Sr. 60654, 65921

H.C.P. NO.3305 OF 2013

AK (CO)
kk 23/12



WEB COPY