

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

* * * *

WRIT PETITION No.4418 OF 2011

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Between:

T. Rajesh

.. Petitioner

And

The Principal Secretary to Government,
Home (Prisons) Department,
Government of Andhra Pradesh,
Hyderabad, and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 21-07-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4418 of 2011

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ORDER:

This writ petition was filed assailing the action of the police

authorities in not taking the remand period into consideration for granting remission to Convict No.3974 in Central Prison, Kadapa, and other convicts pursuant to G.O.Ms.NO.28 dated 25.01.2011.

As the petitioner was the son of T. Pothanna, Convict No.3974, and there was no explanation forthcoming as to why he sought remission of the sentences of five other convicts, Sri T. Pradyumna Kumar Reddy, learned counsel, was asked to get instructions as to the petitioner's relationship with the said convicts. Upon receiving instructions, learned counsel informed this Court that the other convicts are not related to the petitioner. In that view of the matter, the learned counsel was asked as to whether the petitioner was acting in public interest insofar as the other convicts are concerned. The learned counsel thereupon stated that the petitioner wishes to give up the writ petition as regards the other convicts and limit his prayer in the writ petition to his father alone.

Learned Assistant Government Pleader for Home produced before this Court a copy of G.O.Ms.No.14, Home (Parole) Department, dated 19.01.2013, whereby the State rejected the request for remission of the sentence of the petitioner's father and others.

Perusal of the afore-stated G.O. reflects that the authorities were well aware of the guidelines which required the remand period to be taken into consideration for extending the benefit of remission of the sentence. In the light of the same, the Committee under the Chairmanship of the Special Chief Secretary to the Government, Home (Prisons) Department, reviewed the cases of nine life convicts, including the father of the petitioner, and recommended the grant of special remission only in the cases of three life convicts. The name of the petitioner's father does not figure amongst them.

Insofar as the case of the petitioner's father is concerned, the Committee did not recommend his case for remission taking into account the nature of the offence committed by him and the fact that he suffered three life imprisonment sentences. The Government, upon

examination of the report submitted by the Committee, rejected the request of the six life convicts, including the petitioner's father, for remission of the sentences imposed upon them.

G.O.Ms.No.14 dated 19.01.2013 was issued after the institution of this writ petition. Unless the said G.O. is challenged, the prayer of the petitioner in this writ petition cannot be accepted.

The writ petition is therefore dismissed leaving it open to the petitioner to avail appropriate remedies in accordance with law in the light of the subsequent developments.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

21st July, 2015

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