

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2016

CORAM

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

Habeas Corpus Petition No.2688 of 2015

Rajaguna Pushparaj

... Petitioner

Vs.

1. The State of Tamil Nadu,
represented by the Principal Secretary to Government
Home (Prison) Department,
Tamil Nadu Government Chief Secretariat,
St. George Fort, Chennai - 600 009.
2. The Additional Director General of Police/
Inspector General of Prisons,
C.M.D.A., Tower II,
No.1, Gandhi Irwin Road, Egmore,
Chennai - 600 008.
3. The Superintendent of Prisons,
Central Prison, Cuddalore.

... Respondents

PETITION under Section 226 of The Constitution of India
praying for the issuance of Writ of Habeas Corpus directing the
respondents to produce the corpus of the detenu Rajaguna
Purshparaj (60 years), S/o Gunaraj, the life Confict (CT
No.1437) now lodged in the 3rd respondent prison before this
Court and set him at liberty.

For Petitioner : Mr.J.Kingsly Soloman

For Respondents : Mr.A.N.Thambidurai
Additional Public Prosecutor
(Crl.Side)

O R D E R
(Order of the Court was made by P.N.PRAKASH,J.)

This Habeas Corpus Petition is filed by the detenu Rajaguna Pushparaj for a direction to the respondents to produce the detenu before this Court and set him at liberty.

2. It is the case of the petitioner/detenu that he is a life convict undergoing life imprisonment for the offence punishable under Section 302 read with Section 34 IPC in S.C.No.184 of 1987 dated 23.01.1992. Thereafter, he was convicted for the offence under Section 8C read with Section 21 of the NDPS Act and sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.1.00 lakh, in default, to undergo two years rigorous imprisonment. It is the contention of the petitioner that he has been imprisoned for the past 19 years and though he is entitled to be released under G.O.Ms.No.1155 dated 11.09.2008, he has not yet been released. Hence, the present petition has been filed on the ground that his further detention in prison is illegal.

3. It is seen that the petitioner is serving two sentences, which have not been directed to run concurrently by the Courts below. Since the petitioner is undergoing imprisonment for the offence under NDPS Act, where minimum sentence has been prescribed u/s. 21, it falls outside the purview of G.O.Ms.No.1155 dated 11.09.2008, we are not inclined to grant the relief sought for by the petitioner.

4. Accordingly, this Habeas Corpus Petition stands dismissed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

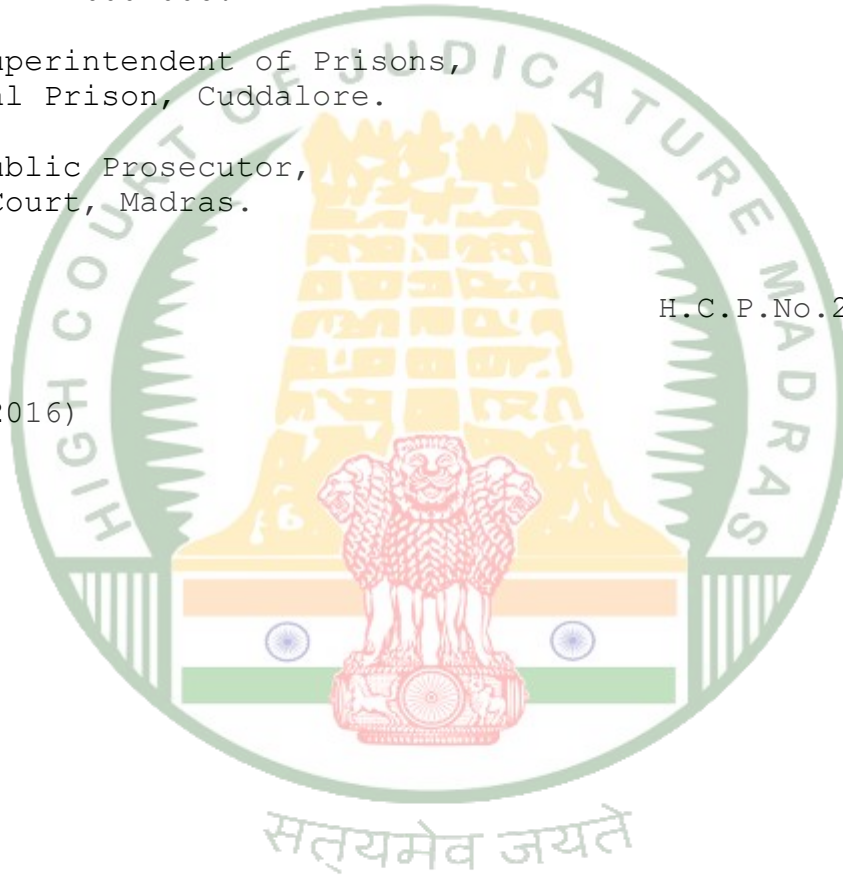
sl

To

1. The Principal Secretary to Government
The State of Tamil Nadu, Home (Prison) Department,
Tamil Nadu Government Chief Secretariat,
St. George Fort, Chennai - 600 009.
2. The Additional Director General of Police/
Inspector General of Prisons, C.M.D.A., Tower II,
No.1, Gandhi Irwin Road, Egmore,
Chennai - 600 008.
3. The Superintendent of Prisons,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court, Madras.

H.C.P.No.2688 of 2015

PUR(CO)
CA(18/01/2016)



WEB COPY