

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2016

CORAM:

THE HON'BLE MR. JUSTICE R.SUDHAKAR
AND
THE HON'BLE MR. JUSTICE P.N. PRAKASH

H.C.P. No.649 of 2014

R.Shanthi

Petitioner

vs.

1.The Secretary to Government
State of Tamil Nadu
Home (Prison-IV) Department
Fort St.George
Chennai 600 009.

2.The Superintendent of Central Prison
Puzhal, Chennai.

Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to produce the corpus of the detenu Saravanan, the life convict (CT No.1437) now lodged in the 2nd respondent prison before this Court and set him at liberty.

For Petitioner :Mr.S.Doraisamy

For Respondents:Mr.A.N.Thambidurai
Additional Public Prosecutor

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

The petitioner is the mother of the life convict prisoner [C.T.No.No.1437], Saravanan, concerned in Mylapore Police Station Cr.No.2511 of 1985 for offences under Sections 341, 327, 324, 307 r/w 34 IPC and later on altered into Section 302 r/w 34 IPC and convicted and sentenced to imprisonment for life under Section 302 r/w 34 IPC by the learned 5th Additional Sessions Judge, Chennai in S.C.No.4 of 1986 on 30.04.1986 and admitted in Central Prison, Vellore. His appeal before this Court was rejected and the sentence awarded by the trial Court was

confirmed in Crl.A.No.712 of 1986 on 24.11.1992. He seeks premature release in terms of G.O.(Ms) No.1155 Home (PRI.IV) Department dated 11.09.2008 on the ground, that he has completed 7 years of actual imprisonment. Since the representation dated 24.01.2014 has not been considered and no orders were passed, this Habeas Corpus Petition is filed.

2. The first respondent has filed a detailed counter affidavit whereby, they have indicated certain faults in the claim of the petitioner for seeking premature release. However, it is within the realm of the first respondent Government to decide as to whether the life convict prisoner should be granted the benefit of G.O.(Ms) No.1155 Home (PRI.IV) Department dated 11.09.2008. Hence, we direct the first respondent to dispose of the representation of the petitioner dated 24.01.2014 expeditiously on merits.

With the above direction, this Habeas Corpus Petition is disposed of.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Secretary to Government
Government of Tamil Nadu
Home (Prison-IV) Department
Fort St.George, Chennai 600 009.

2. The 5th Additional Sessions Judge,
Chennai.

3. -do-Thro The Principal Sessions Judge,
Chennai.

4.The Superintendent of Central Prison
Puzhal, Chennai.

5.The Public Prosecutor
High Court of Madras, Chennai.

+ 1 cc to Mr.S.Doraisamy, Advocate SR.396

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SKV(CO)
EU 04.2.16.