

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.2686 of 2013
and M.P.No.1 of 2015

Umarani

..Petitioner

vs.

1.The State of Tamil Nadu
Rep by its Secretary
Home Department,
Fort St.George,
Chennai 600 009.

2.The Superintendent of Police,
Central Prison,
Puzhal,
Chennai 600 066.

..Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to grant set off to the detenu Jayapal, S/o Kannan concerned in S.C.No.131 of 1988, the pretrial detention from 20.05.1988 to 18.08.1989 (15 months) and direct the respondents to produce the detenu Jayapal S/o Kannan before this Court now confined at Central Prison, Puzhal, Chennai and set him at liberty as per G.O.Ms.No.1155 Home Prison-IV, Department dated 11.09.1988 on the file of first respondent herein.

For Petitioner : Mr.R.Sankarasubbu

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

ORDER

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

The petitioner's husband, a life convict prisoner was convicted for offences under Sections 302, 324 and 326 IPC and ordered to undergo imprisonment for life under Section 302 IPC, Rigorous Imprisonment for 6 months under Section 324 IPC and Rigorous Imprisonment for six years under Section 326 IPC. All the sentences were ordered to run concurrently by judgment dated 18.08.1989 in S.C.No.131 of 1988 passed by the learned I Additional Sessions Judge, Chennai. On appeal, the judgment was confirmed by this Court by judgment dated 18.04.2000 in CrI.A.No.721 of 1989. He was lodged in Central Prison, Puzhal from 18.08.1989 and he was released on bail on 16.09.1989. After confirmation of sentence by this Court in CrI.A.No.721 of 1989, he was readmitted to Central Prison, Puzhal.

2. The present Habeas Corpus Petition has been filed seeking premature release invoking G.O.(Ms)No.1155 Home (PRI.IV) Department dated 11.09.2008, based on the total period of imprisonment undergone, including the pre-trial detention. Such a request has not been disposed of by the first respondent. The counter filed by the Deputy Secretary to Government, however goes on calculation. We find it does not have any reference to the claim of pre-trial detention.

3. In view of the above, we direct the first respondent to consider and pass appropriate orders expeditiously on the request of the prisoner for premature release in terms as may be applicable and intimate the same to him.

With the above direction, this Habeas Corpus Petition is disposed of. Consequently, connected miscellaneous petition is closed.

sd/-

Assistant Registrar(Cs-III)

/TRUE COPY/

Sub-Assistant Registrar

gms

To

1.The Secretary
to the Govt, State of Tamil Nadu,
Home Department,
Fort St.George, Chennai 600 009.

2.The Superintendent of Police,
Central Prison,
Puzhal, Chennai 600 066.

3.The I Additional Sessions Judge, Chennai.

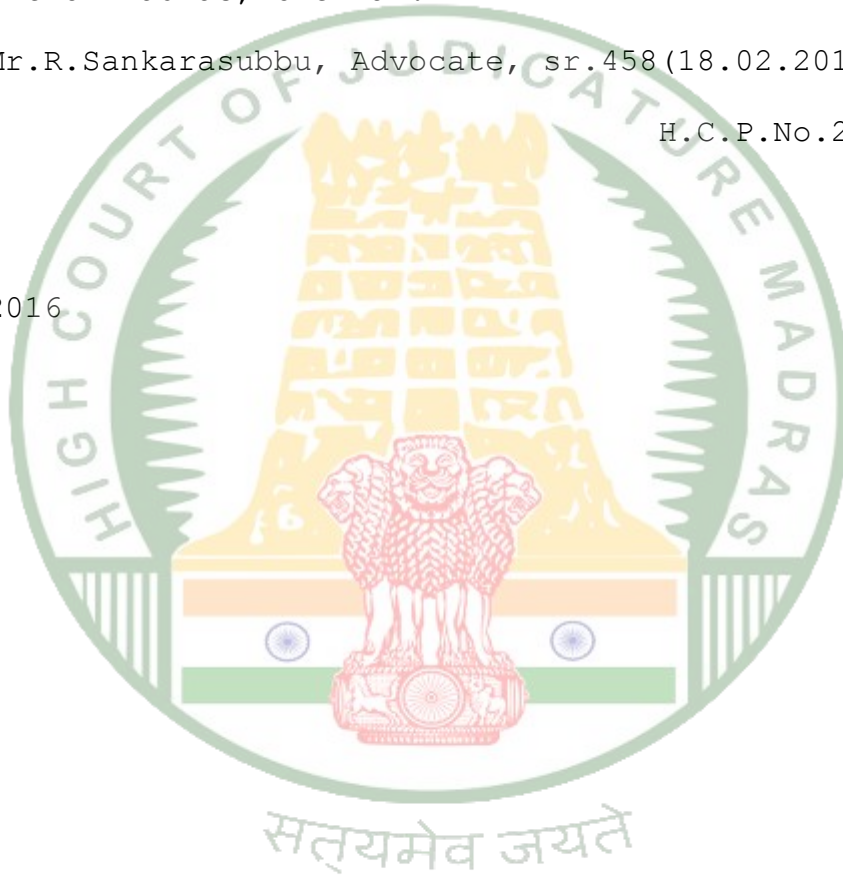
4.-do- thro'The Principal Sessions Judge,
Chennai.

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

+1 cc to Mr.R.Sankarasubbu, Advocate, sr.458 (18.02.2016)

H.C.P.No.2686 of 2013

CO-SKV
JD 08/02/2016



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