

In the High Court of Judicature at Madras

Dated: 25.01.2016

Coram

The Honourable Mr.JUSTICE R.SUDHAKAR
and

The Honourable Mr.JUSTICE P.N.PRAKASH

Habeas Corpus Petition No.3028 of 2013

Bommi

.... Petitioner

Vs.

1.The State of Tamil Nadu
rep by The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai 09.

2.The Additional Director General of Prisons
Gandhi Irwin Road, Egmore
Chennai 08.

3.The Superintendent of Prison
Central Prison-I
Puzhal, Chennai 66.

..... 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 petitioner's son Dilip @ Dilip Kumar
aged 33 years, S/o Radhakrishnan (Convict No.94) detained as a
Life Convict, now confined in the Central Prison-I, Puzhal,
Chennai-66 as having become eligible for pre-mature release under
G.O.Ms.No.1155 Home (Prison-IV) Department dated 11.09.2008, and
to consider him for premature release immediately.

For Petitioner : M/s Thangavadhana Balakrishnan

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

O R D E R

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

This Habeas Corpus Petition has been filed by the petitioner
seeking a direction to the respondents to produce the

petitioner's son Dilip @ Dilip Kumar aged 33 years, S/o Radhakrishnan (Convict No.94) detained as a Life Convict, now confined in the Central Prison-I, Puzhal, Chennai-66 as having become eligible for pre-mature release under G.O.Ms.No.1155 Home (Prison-IV) Department dated 11.09.2008, and to consider him for premature release immediately.

2. Request for premature release cannot be considered, in view of the statement made in the counter affidavit filed by the Deputy Secretary to Government, Home, P & E Department, Secretariat, Chennai, which reads as follows:

"7. With regard to the averments made in Grounds (i), (ii) and (iii) of the affidavit, it is submitted that, the prisoner has not fulfilled one of the basic criteria (i.e) the prisoner should have completed seven years of actual imprisonment fixed by the Government for consideration for premature release during the year 2008. The main criterion itself shows that the prisoner should have completed seven years of his actual sentence as on 15.09.2008. The prisoners, who are incarcerated and already served their actual sentence of seven years as on 15.09.2008 were considered and released on en-masse premature release granted by the Government of Tamil Nadu. Since the petitioner's son had not even fulfilled the first and main criteria fixed by the Government for the consideration of en-masse release, the denial of premature release is correct. Hence for the reasons stated above for the denial of premature release to the prisoner is not amounting to violation of Articles 14 and 21 of the Constitution of India."

In view of the above factual position, this Habeas Corpus Petition is dismissed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

gms

To

1.The Secretary to Government of Tamil Nadu
Home, Prohibition and Excise Department
Secretariat, Chennai 09.

2.The Additional Director General of Prisons
Gandhi Irwin Road, Egmore
Chennai 08.

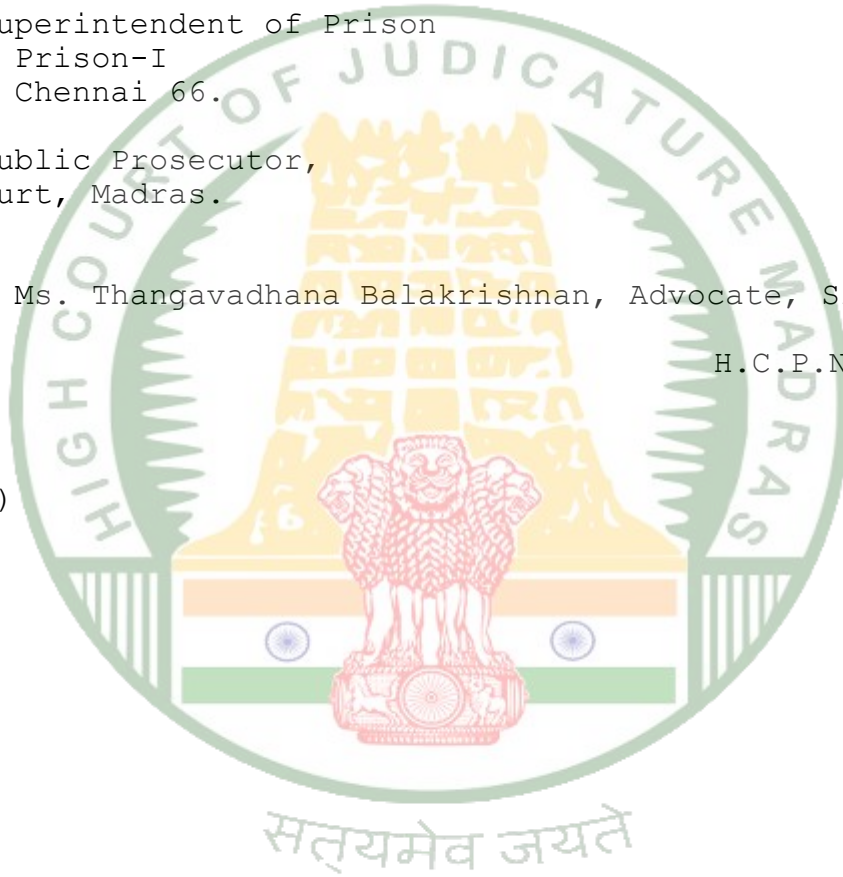
3.The Superintendent of Prison
Central Prison-I
Puzhal, Chennai 66.

4.The Public Prosecutor,
High Court, Madras.

1 cc to Ms. Thangavadhana Balakrishnan, Advocate, Sr. 4426

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