



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU**AND****THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

H.C.P.[MD].No.599 of 2014

V.Devaki : Petitioner

Vs.

The State of Tamil Nadu,
Rep. by the Superintendent of Prison,
Central Prison, Madurai 625 016. : Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus and quash the order in No.7242/R1/2014, dated 24.05.2014 passed by the respondent and consequently direct the respondent to produce before this Court the detenu, by name, Veerabhaarathi, S/o.Ponniah, C.P.No.3449, aged about 43 years, presently detained in Madurai Central Prison and to set him at liberty forthwith by setting aside the sentence in S.C.No.30 of 1999, on the file of the Principal Sessions Court, Virudhunagar District, under the provision of Article 21 of the Indian Constitution.

For Petitioner : Mr.P.Veerabharathi
Party-in-person

For Respondent : Mr.R.Rajarithinam
Public Prosecutor Assisted by
: Mr.C.Ramesh
Additional Public Prosecutor

Reserved : On 20.10.2016

Pronounced : On 26.10.2016

O R D E R

S.NAGAMUTHU, J.

The petitioner is the wife of one Mr.P.Veerabharathi, [hereinafter referred to as the "detenu"]. Mr.P.Veerabharathi is a life convict. Originally, the learned Sessions Judge, Virudhunagar District, in S.C.No.30 of 1999, imposed death sentence on him for the offence under Section 302 of the Indian Penal Code and various other provisions of the Indian Penal Code and also sentenced him for other offences. The conviction imposed on him was confirmed by a Division Bench of this Court, in CrI.A.No.872 of 1999, however, the death sentence was not confirmed and instead, he was sentenced to undergo imprisonment for life for the offence under Section 302



of the Indian Penal Code. The Criminal Appeal filed by Mr.Veerabharathi was dismissed on 10.08.2000. The Special Leave Petitions in SLP(Crl).Nos.4019 and 4020 filed before the Hon'ble Supreme Court were also dismissed, on 04.12.2000.

2. The detenu was informed by the Superintendent, Central Prison, Madurai, wherein he was lodged during the year 2014, by the proceedings of the respondent No.7242/R1/2014, dated 24.05.2014, that his case for remission would be considered, after he served out 14 years of actual sentence. Challenging the said proceedings of the respondent and also seeking to set aside the sentence imposed on him in S.C.No.30 of 1999 on the file of the learned Sessions Judge, Virudhunagar, the petitioner has come up with this Habeas Corpus Petition.

3. The detenu - Mr.P.Veera Bharaathi appeared before this Court from prison, on being produced, as per the direction of this Court, we have heard him and also the learned Public Prosecutor on behalf of the State.

4. What is under challenge in this Habeas Corpus Petition is only an information passed on to the petitioner that the case of the petitioner for remission for premature release will be considered, after the detenu had completed 14 years of actual sentence. In the said information, we do not find any infirmity warranting any interference at the hands of this Court.

5. So far as the other prayer for setting aside the sentence imposed on the detenu, it is not at all possible for this Court, as it was confirmed by the Division Bench of this Court as well as the Hon'ble Supreme Court. Thus, the relief sought for by the petitioner in this Habeas Corpus Petition cannot be granted. The present Habeas Corpus Petition is, therefore, liable to be dismissed. Accordingly, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Prison,
Central Prison, Madurai 625 016.
2. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

NB

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ORDER MADE IN
H.C.P.[MD].No.599 of 2014
26.10.2016