

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2017

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN
and
THE HON'BLE MR.JUSTICE T.MATHIVANAN

H.C.P.No.2416 of 2015

A.Vijayashankar .. Petitioner
Vs

1.The State of Tamil Nadu,
rep by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The Additional Director General of Police and
Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai-600 008.

3.The Superintendent of Prison,
Central Prison, Salem. .. Respondents

Prayer: Petition filed under Article 226 of the
Constitution of India, praying to issue a WRIT OF HABEAS
CORPUS, directing the respondents to produce the petitioner,
namely, Vijayashankar, son of Arumugam, Life convict
C.T.No.6926, now confined in the Central Prison, Salem, before
this court and directing the respondents to consider the
petitioner immediately, under G.O.Ms.No.1155, Home (Pri.IV)
Department, dated 11.9.2008, for premature release and to set
him at liberty.

For Petitioner : Mr.P.Pugalenth

For Respondents : Mr.V.M.R.Rajentran, APP

ORDER

[Order of the Court was made by M.JAICHANDREN,J]

This Habeas Corpus Petition has been filed by the
petitioner, seeking a direction to the respondents to produce
the petitioner, namely, Vijayashankar, son of Arumugam, Life
convict, C.T.No.6926, now confined in the Central Prison, Salem,
before this court and to consider him, for premature release,

immediately, under G.O.Ms.No.1155, Home (Pri.IV) Department, dated 11.9.2008, and to set him at liberty.

2 We have heard the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of the State.

3 The learned counsel appearing on behalf of the petitioner had submitted that the petitioner is a life convict and he has been serving his sentence of life imprisonment, in the Central Prison, Salem. It has been further submitted that the petitioner had completed seven years of imprisonment, as a life convict, as on 15.9.2008 and therefore, the petitioner is eligible to be considered for premature release, as per G.O.Ms.No.1155, Home (Pri.IV) Department, dated 11.9.2008. He had further submitted that the petitioner may be permitted to submit a representation to the Principal Secretary, Home Department, Government of Tamil Nadu, Fort St. George, Chennai, within a specified period and on such submission of the representation, the Principal Secretary, Home Department may be directed to dispose of the said representation, on merits and in accordance with law, within a specified period.

4 The learned Additional Public Prosecutor appearing on behalf of the respondents has no objection for such an order being passed by this Court.

5 In view of the said submission made by the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of the respondents, this Court finds it appropriate to permit the convict concerned to submit a representation to the Principal Secretary, Home Department, Government of Tamil Nadu, Fort St. George, Chennai. Accordingly, the convict concerned is permitted to submit a representation to the Principal Secretary, Home Department, Government of Tamil Nadu, Fort St. George, Chennai, within a period of two weeks, from the date of receipt of a copy of this order, along with a copy of this order. On receipt of such representation, the Principal Secretary, Home Department, Government of Tamil Nadu, Fort St. George, Chennai, is directed to consider and dispose of the same, on merits and in accordance with law and as per G.O.Ms.No.1155, Home (Pri.IV) Department, dated 11.9.2008, within a period of six weeks, thereafter. The Habeas Corpus Petition is closed, with the above directions.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

vvk

To

1.The Secretary to Government,
The State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The Additional Director General of Police and
Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai-600 008.

3.The Superintendent of Prison,
Central Prison, Salem.

4.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2416 of 2015

sk(co)
ss(6/3/2017)



WEB COPY