

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.46 of 2017

S.Gowtham

.. 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 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's father, namely, Saravanan, son of Munusamy, Life convict, CT No.7309, aged about 45 years, now confined in the Central Prison, Salem, before this court and directing the respondents to consider the petitioner's father, immediately, under G.O.Ms.No.1155, Home (Prison-IV) Department, dated 11.9.2008, for premature release and to set him at liberty.

For Petitioner : Mr.P.Pugalenthiraj

For Respondents: Mr.V.M.R.Rajentran,
Additional Public Prosecutor

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's father, namely, Saravanan, son of Munusamy, aged about 45 years, a life convict, C.T.No.7309, now confined in the Central Prison, Salem, before this court and to consider him, for premature release, under G.O.Ms.No.1155, Home (Prison-

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 father of 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's father had completed eight years of imprisonment, as a life convict, as on 15.9.2008 and therefore, the petitioner's father 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 had sent a representation, dated 15.12.2016, to the respondents, to consider his father, for premature release. However, no action had been taken so far. Therefore, the learned counsel appearing on behalf of the petitioner had submitted that it would suffice if a direction is issued to the Principal Secretary, Home Department, Government of Tamil Nadu, Fort St. George, Chennai, to consider the representation of the petitioner, 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 direct the Principal Secretary, Home Department, Government of Tamil Nadu, Fort St. George, Chennai, to consider and dispose of the representation of the petitioner, dated 15.12.2016. Accordingly, the Principal Secretary, Home Department, Government of Tamil Nadu, Fort St. George, Chennai, is directed to consider and dispose of the representation of the petitioner, dated 15.12.2016, for premature release of the petitioner's father, 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, from the date of receipt of a copy of this order. The Habeas Corpus Petition is closed, with the above directions.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vvk

To

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

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

3.The Public Prosecutor,
High Court, Madras.

4. The Under Secretary to Government
Fort St.George Chennai-600 009

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