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.1126 of 2016

N.Ravi .. Petitioner / Detenu

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. .. 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, Ravi, son of Nataraj, life convict, C.T.No.21183, aged about 53 years, now confined in the Central Prison, Trichy, before this court and to direct the respondents to consider the petitioner 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.Pugalenthi

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

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ORDER

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

This Habeas Corpus Petition has been filed, seeking a direction to the respondents to produce the petitioner, namely, Ravi, son of Nataraj, a life convict, C.T.No.21183, aged about 53 years, now confined in the Central Prison, Trichy, before this court and to consider him, for premature release, immediately, under G.O.Ms.No.1155, Home (Pri.IV)

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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,Trichy. It has been further submitted that the petitioner had completed 7 years of imprisonment, as a life convict, as on 15.9.2008 and therefore, he is eligible to be considered for premature release, as per G.O.Ms.No.1155, Home (Pri.IV) Department, dated 11.9.2008. The learned counsel appearing on behalf of the petitioner had further submitted that the petitioner had sent a representation, dated 9.4.2016, to the Secretary, Home Department, Government of Tamil Nadu, to consider him, for premature release. However, the said representation was not considered. Therefore, the learned counsel appearing on behalf of the petitioner has submitted that it would suffice, if the Secretary, Home Department, Government of Tamil Nadu, Fort St. George, Chennai, is directed to dispose of the representation, dated 9.4.2016, on merits and in accordance with law, within a specified period.

4 The learned Additional Public Prosecutor appearing on behalf of the respondents has submitted that the representation of the petitioner had been considered and a reply had been sent to the petitioner.

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 respondents to furnish a copy of the reply to the petitioner. Accordingly, a direction is issued to the respondents to furnish a copy of the reply to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. On receipt of the copy of the reply, it may be open to the petitioner / convict concerned, to challenge the same, before the appropriate forum or the authority, in the manner known to law, if so advised. The Habeas Corpus Petition is closed, with the above directions.

vvk

Sd/-
Assistant Registrar (CS VI)

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Sub-Assistant Registrar

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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,
Central Prison, Trichy.

4.The Public Prosecutor,
High Court, Madras.

H.C.P.No.1126 of 2016

SR[CO]
MK:07/03/2017

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