

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.1330 of 2016

R.Muthu Raman

.. Petitioner

Vs

The State represented by

- 1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai-600 009.
- 2.The Additional Director General of Prison,
C.M.D.A. Towers,
Egmore,
Chennai-600 008.
- 3.The Superintendent of Prison,
Central Prison-I,
Puzhal, Chennai-66.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, directing the respondents to consider the G.O.Ms.No.873, Home (Prison IV) Department, dated 14.9.2006, G.O.Ms.No.1326, Home (Prison IV) Department, dated 15.9.2007 and G.O.Ms.No.1155, Home (Prison IV) Department, dated 11.9.2008 and to produce the detenu, Muthu Raman, son of Ramalingam, convict No.1434, detained in the Central Prison-I, Puzhal, Chennai, before this court and to set him at liberty.

For Petitioner : Mr.S.Manoharan

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, seeking a direction to the respondents to produce the petitioner, namely, Muthu Raman, son of Ramalingam, Convict No.1434, now confined in the Central Prison-I, Puzhal, Chennai, before this court and to consider him, for premature release, under G.O.Ms.No.873, Home (Prison IV) Department, dated 14.9.2006, G.O.Ms.No.1326, Home (Prison IV) Department, dated 12.9.2007 and 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 petitioner is a life convict and he has been serving his sentence of life imprisonment, in the Central Prison, Puzhal, Chennai. It has been further submitted that the petitioner had completed 15 years of actual 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 30.5.2016, 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 30.5.2016, 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.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vvk

To

- 1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai-600 009.
- 2.The Additional Director General of Prison,
C.M.D.A. Towers,
Egmore,
Chennai-600 008.
- 3.The Superintendent of Prison,
Central Prison-I,
Puzhal, Chennai-66.
- 4.The Public Prosecutor,
High Court, Madras.

ev(co)
ss(17/3/2017)

H.C.P.No.1330 of 2016

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