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.225 of 2016

Chinnadurai ... 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,
Coimbatore. .. 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, Chinnadurai, son of Nataraj, aged about 45 years, Life convict No.77956, now confined in the Central Prison, Coimbatore, before this court and directing the respondents to consider him immediately, for premature release, under G.O.Ms.No.1155 Home (Prison-IV) Department, dated 11.9.2008, and to set him at liberty.

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For Petitioner : Mr.P.Pugalenthi

For Respondents : Mr.V.M.R.Rajentren, 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, Chinnadurai, aged about 45 years, son of Nataraj, Life Convict No.77956, now confined in the Central Prison, Coimbatore, 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, Coimbatore. It has been further submitted that the petitioner had completed 8 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 28.12.2015, to the Secretary, Home Department, Government of Tamil Nadu, to consider him, for premature release. However, the said representation had not been considered, till date. 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 28.12.2015, 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 convict concerned may be permitted to submit a fresh representation, to the Principal Secretary, Home Department, Government of Tamil Nadu, Fort St. George, Chennai, seeking premature release and the Principal Secretary, Home Department, Government of Tamil Nadu, may be directed to dispose of the same, within a specified period.

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

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convict concerned to submit a fresh representation to the Principal Secretary, Home Department, Government of Tamil Nadu, Fort St. George, Chennai. Accordingly, the convict concerned is permitted to submit a fresh 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, 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/-
Assistant Registrar(J)

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

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

4.The Public Prosecutor,
High Court, Madras.

5.The Joint Secretary to Government,
Public (Law & Order),
Fort St. George, Chennai-9.

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6.The Principal Secretary,
Home Department,
Government of TamilNadu,
Fort St. George, Chennai.

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