

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.2384 of 2016

Lakshmi ... Petitioner

Vs

1.The State of Tamil Nadu,
represented by its Secretary,
Department of Home,
Fort St. George,
Chennai-600 009.

2.The Superintendent of Central Prison,
Puzhal-I,
Chennai-600 066.

... 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 detenu, Damu @ Damodaran, son of Thiruvengadam, life convict C.No.789, now confined in the Central Prison-I, Puzhal, Chennai, before this court and to set him at liberty.

For Petitioner : Mr.R.Sankarasubbu

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's husband, namely, Damu @ Damodaran, son of Thiruvengadam, a life convict, C.No.789, now confined in the Central Prison-I, Puzhal, Chennai, before this court 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's husband 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's husband has been in prison, for over fifteen years and therefore, the petitioner is eligible to be considered for premature release. He had further submitted that the petitioner had sent representations, dated 15.2.2016 and 31.5.2016, to the respondents, to consider her husband, 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 representations 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. He had further stated that a representation, dated 12.2.2016 has been received by the respondents and the same shall be considered and disposed of by the concerned authorities.

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 12.2.2016. 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 12.2.2016, for premature release of the petitioner's husband, on merits and in accordance with law and as per the relevant Government Orders applicable to the convict concerned, including 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.

Sd/-
Asst.Registrar

/true copy/

vvk

Sub Asst. Registrar

To

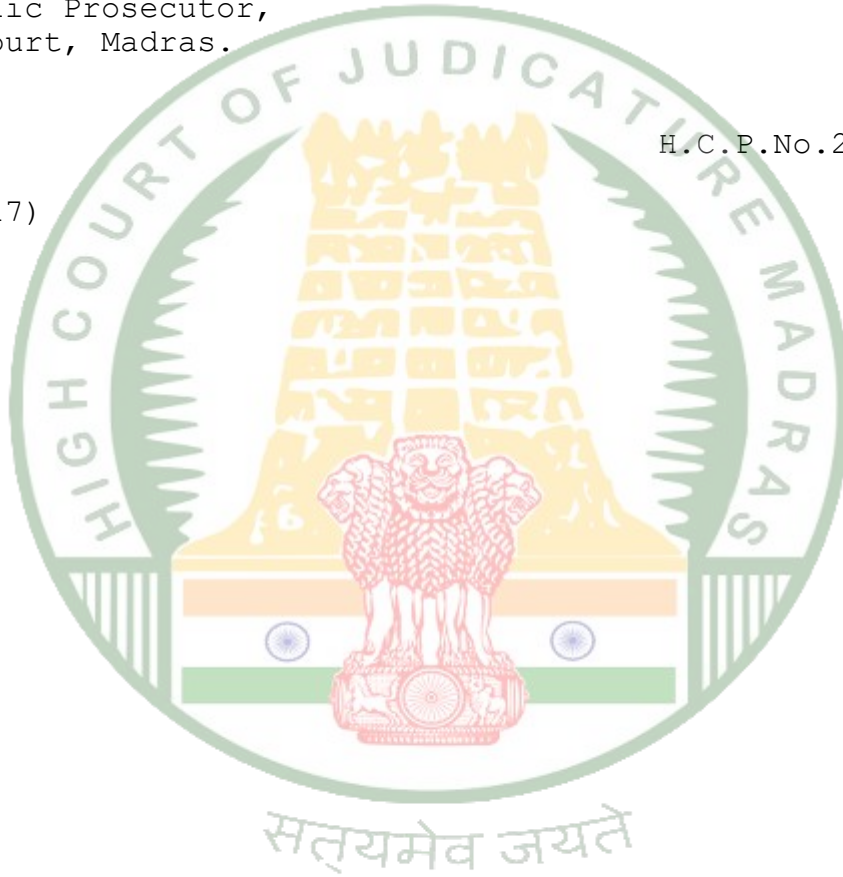
1.The Principal Secretary to Government,
The State of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai-600 009.

2.The Superintendent of Central Prison,
Puzhal-I,
Chennai-600 066.

3.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2384 of 2016

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ss(6/3/2017)



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