

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.603 of 2016

Katheresan

.. Petitioner

Vs

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

2. The Superintendent of Central Prison,
Cuddalore District, Central Prison,
Cuddalore.

.. 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, Katheresan, son of Ramu Gounder, now confined in the Central Prison, Cuddalore and to set him at liberty, as per G.O.Ms.No.1155, Home (PRI.IV) Department, dated 11.9.2008, on the file of the first respondent herein.

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, seeking a direction to the respondents to produce the petitioner, namely, Katheresan, aged about 60 years, son of Ramu Gounder, now confined in the Central Prison, Cuddalore, before this court and to set him at liberty, as per G.O.Ms.No.1155, Home (Pri.IV) Department, dated 11.9.2008.

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, Cuddalore. It has been further submitted that the petitioner had completed seven years of actual imprisonment, as a life convict, as on 15.9.2008 and therefore, the petitioner 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 8.2.2016, to the respondents, to consider him, 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 8.2.2016. 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 8.2.2016, for premature release of the petitioner, 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

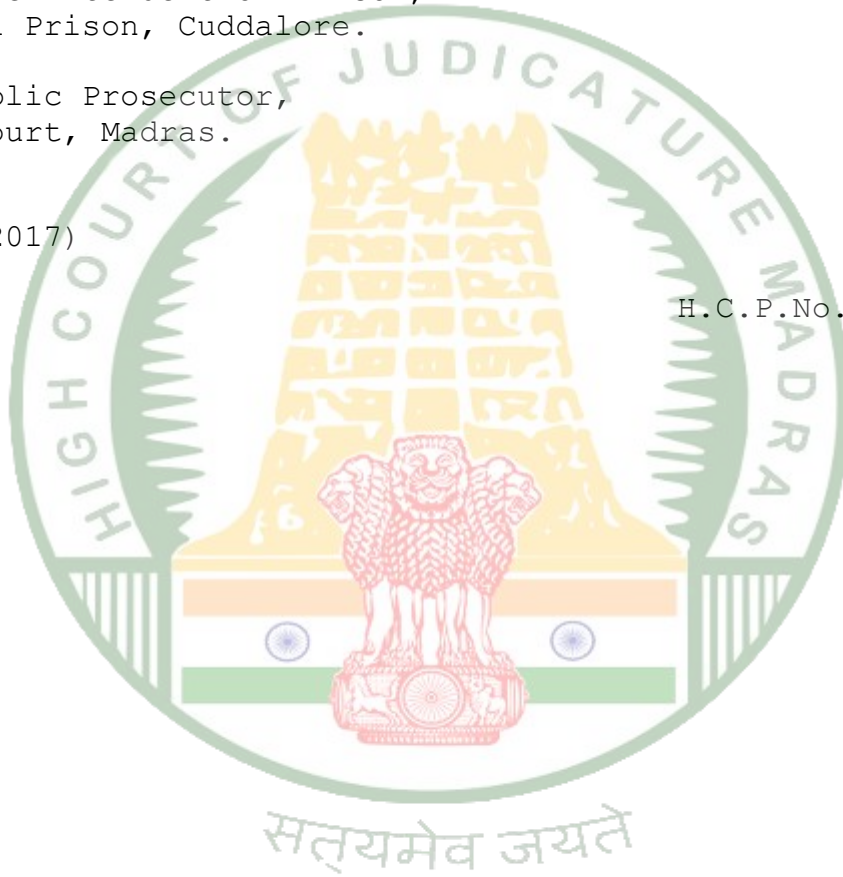
vvk

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, Cuddalore.
3. The Public Prosecutor,
High Court, Madras.

AD(CO)
RS(06/03/2017)

H.C.P.No.603 of 2016



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