

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.858 of 2016

P.Sakthivel

.. Petitioner

Vs

1. Government of Tamil Nadu,
rep by its Secretary to Government,
Home (Prison IV) Department,
Fort St. George,
Chennai-600 009.
 2. The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai-600 008.
 3. The Superintendent of Central Prison,
Puzhal, 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 body of the petitioner, namely, P.Sakthivel, son of Perumal, Life convict No.4926, now confined in the Central Prison, Puzhal, Chennai, before this court and to set him at liberty, as having become eligible for premature release by virtue of 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.

For Petitioner : Mr.G.Jeremiah

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, P.Sakthivel, son of Perumal, Life convict No.4926, now confined in the Central Prison, Puzhal, Chennai, before this court and to set him at liberty, as per 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.

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 more than 10 years of imprisonment, as a life convict, 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 13.8.2015, 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 13.8.2015, 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 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.

-s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
Government of Tamil Nadu,
Home (Prison IV) Department,
Fort St. George,
Chennai-600 009.
2. The Secretary to Govt
Home Department,
Fort.st.george
Chennai 9
3. The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai-600 008.
4. The Superintendent of Central Prison,
Puzhal, Chennai-600 066.
5. The Public Prosecutor,
High Court, Madras.

+1 CC to M/s. B. Nambiselyan, sr 9962

H.C.P.No.858 of 2016

AD(CO)
sp/9/3

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