

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.1419 of 2013

I.Sikkanthar Basha

..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,
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 consider the Government Order, in G.O.Ms.No.1155, Home (Pri.IV) Department, dated 11.9.2008, and produce the detenu, I.Abuthahir, aged about 33 years, son of Ibrahim, convict No.1478, detained in the Central Prison, Coimbatore, 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 by the petitioner, seeking a direction to the respondents to produce the detenu, I.Abuthahir, aged about 33 years, son of Ibrahim, convict No.1478, detained in the Central Prison, Coimbatore, before this court and to consider him, for premature release, 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 brother of the petitioner, namely, I.Abuthahir, 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 detenu, I.Abuthahir, had completed ten 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 14.2.2012, to the first respondent, to consider the detenu, 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. 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 14.2.2012, for premature release of the detenu, I.Abuthahir, 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/-

Asst.Registrar

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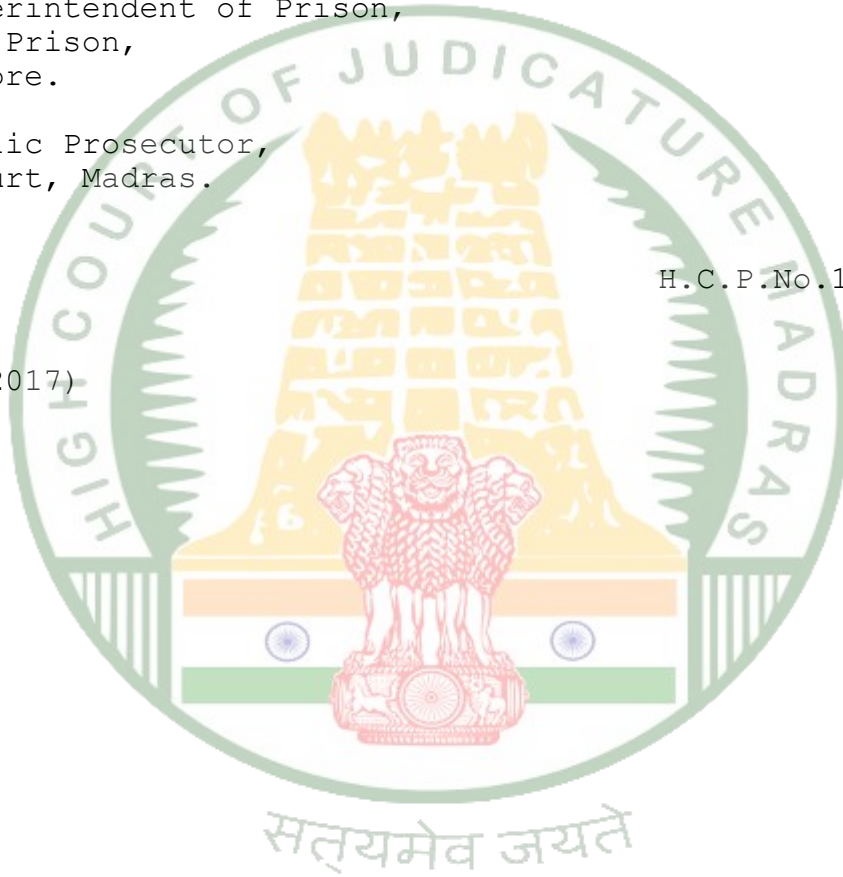
Sub Asst. Registrar

To

- 1.The Principal 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,
Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.

H.C.P.No.1419 of 2013

NM(CO)
VR(21/03/2017)



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