

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2018

CORAM:

THE HON'BLE DR. JUSTICE S.VIMALA
AND
THE HON'BLE MRS. JUSTICE S.RAMATHILAGAM

H.C.P.No.105 of 2018

S.Karpagam ... Petitioner/Wife of the Detenue

versus

The State Rep. by its

1. The Secretary to Government of
Tamil Nadu,
Home Department,
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,
Central Prison,
Salem.

... Respondents

Habeas Corpus Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Habeas Corpus, directing the respondents to consider the representation dated 26.12.2017 and consecutively direct the respondents to be placed the case of the detenu, Saravanan, S/o.Munusamy, Convict No.7309 detained at Central Prison, Salem before the Advisory Board under Rule 341 of Tamilnadu Prison Rules, 1983 and 433-A of Cr.P.C. and under Article 161 of the Constitution of India.

For Petitioner : Dr.S.Manoharan
For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER
(DELIVERED BY DR. S.VIMALA, J.)

This Habeas Corpus Petition has been filed by the wife of the detenu, seeking a direction to the respondents to consider the representation made by her on 26.12.2017, for premature release of her husband.

2. The case of the petitioner is that her husband is a life convict having been convicted for the offence under Section 302 IPC and he is under incarceration for over 18 years at Central Prison, Salem. It is the further case of the petitioner that as per G.O.Ms.No.1155 dated 11.09.2008, her husband is eligible for premature release, but, the respondent has not considered the case of her husband. Therefore, she made a representation before the 3rd respondent on 26.12.2017. But, the same has not been considered by the respondent. Hence, this Habeas Corpus Petition has been filed.

3. The learned Additional Public Prosecutor submits that the benefit of new G.O., i.e. G.O.Ms.No.64, has not been asked for by the petitioner in the representation dated 26.12.2017.

4. Even though the benefit of new G.O. would not have been within the knowledge of either the detenu or the petitioner herein, there is no impediment for the jail authorities to find out whether the benefit of new G.O. would be applicable to the case of the detenu or not.

5. In the stated circumstances, this Court directs the respondents to consider the representation of the petitioner dated 26.12.2017 and also in the light of the applicability of G.O.Ms.No.64 dated 01.02.2018 to the case of the detenu and intimate the result to the detenu as well as to the petitioner herein, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the Habeas Corpus Petition is disposed of.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

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

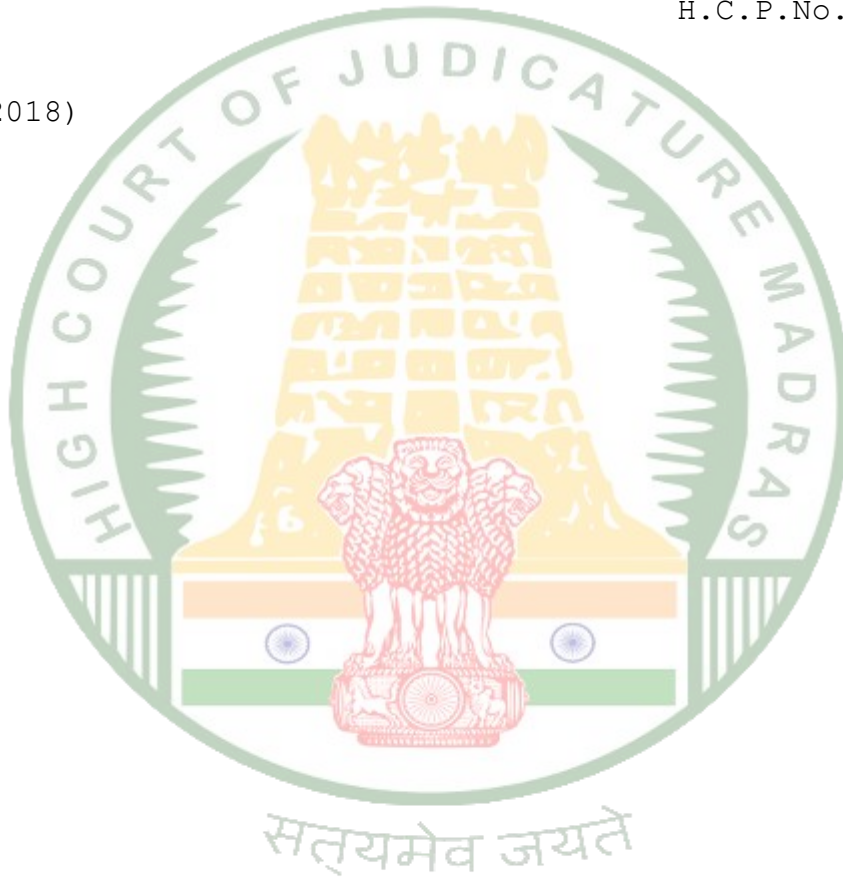
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2. The Additional Director General of Prison,
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3. The Superintendent,
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Salem.

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VBA (CO)
SP (09/08/2018)



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