

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2018

CORAM

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

H.C.P.NO.1345 OF 2018

S.Vijaya

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Petitioner

Vs

1. The State of Tamil Nadu
rep.by its Principal Secretary to Government
Home (Prison) Department, Tamil Nadu
Government Chief Secretariat, Fort St.George
Chennai - 600 009.
2. The Additional Director General of Police /
Inspector General of Prisons, CMDA, Towers II
No.1, Gandhi Irwin Road, Egmore, Chennai 600 008.
3. The Superintendent, Central Prison
Palayamkottai, Tirunelveli District.

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Respondents

For Petitioner : Mr.Ilayaraja Kandasamy
For Respondents : Mr.R.Prathap Kumar,
Addl.Public Prosecutor - R1 to 3

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents to consider the petitioner's representation dated 02.05.2018 in the light of G.O.Ms.No.64 Home (Prison-IV) Department dated 01.02.2018 and direct the respondents to produce the detenu Sivaraman, S/o Pandurangan aged about 40 years, now confined in Central Prison, Palayamkottai and prematurely release him.

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O R D E R

(Order made by Dr.S.VIMALA, J.)

This H.C.P. has been filed by the petitioner, wife of the detenu Sivaraman, S/o Pandurangan, aged about 41 years, seeking direction to the respondents to consider the representation of the petitioner dated 02.05.2018 in the light of G.O.Ms.No.64 Home (Prison-IV) Department dated 01.02.2018.

2. In the representation, it is stated that the petitioner's husband is a life convict (LCT No.3142 of 2014) who is serving his sentence in Central Prison, Palayamkottai in connection with the case in Crime No.132 of 2000, Reddy Chavadi Police Station, consequent to the trial conducted in S.C.No.230 of 2000 and the Chief Judicial Magistrate, Cuddalore imposed sentence of life imprisonment by the judgment dated 20.12.2002. He was also accused in Crime No.400 of 2008 and was remanded to judicial custody to Central Prison, Salem on 12.05.2008, where he was detained for a period of 29 days till 10.06.2008 and was subsequently transferred to Central Prison, Palayamkottai. Thereafter, he has been serving his sentence for life imprisonment in connection to the conviction and sentence in S.C.No.230 of 2000.

3. Seeking benefit of Section 428 Cr.P.C., H.C.P.No.1390 of 2018 has been filed by the petitioner and the same has been ordered by this Court today (02.08.2018). If the period of pre-trial incarceration is taken into account, it is the case of the petitioner, that her husband would be entitled to the benefit of G.O.Ms.No.64 dated 01.02.2018. Learned counsel for the petitioner submits that Clause 6 of the said G.O. read that the general amnesty is applicable to the life convict prisoners who have been convicted by the Court of criminal jurisdiction of the State of Tamil nadu and are now undergoing their sentence in the prisons of other States / Union Territories on reciprocal basis.

4. We have heard the learned Additional Public Prosecutor representing respondents 1 to 3 and the learned Additional Public Prosecutor (Pondicherry) on behalf of the fourth respondent.

5. Considering the facts and circumstances of the case on hand, we hope and trust that the concerned authority shall consider the representation of the petitioner dated 02.05.2018 in the context of H.C.P.No.1390 of 2018 having been allowed and in the light of G.O.Ms.No.64 Home (Prison-IV) Department dated 01.02.2018. The respondents shall consider the representation submitted by the petitioner within a period of two weeks from the date of receipt of copy of this order and pass orders in accordance with law. With these directions, the H.C.P. is disposed of.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary to Government
Home (Prison) Department, Tamil Nadu ,
Government Chief Secretariat, Fort St.George,
Chennai - 600 009.

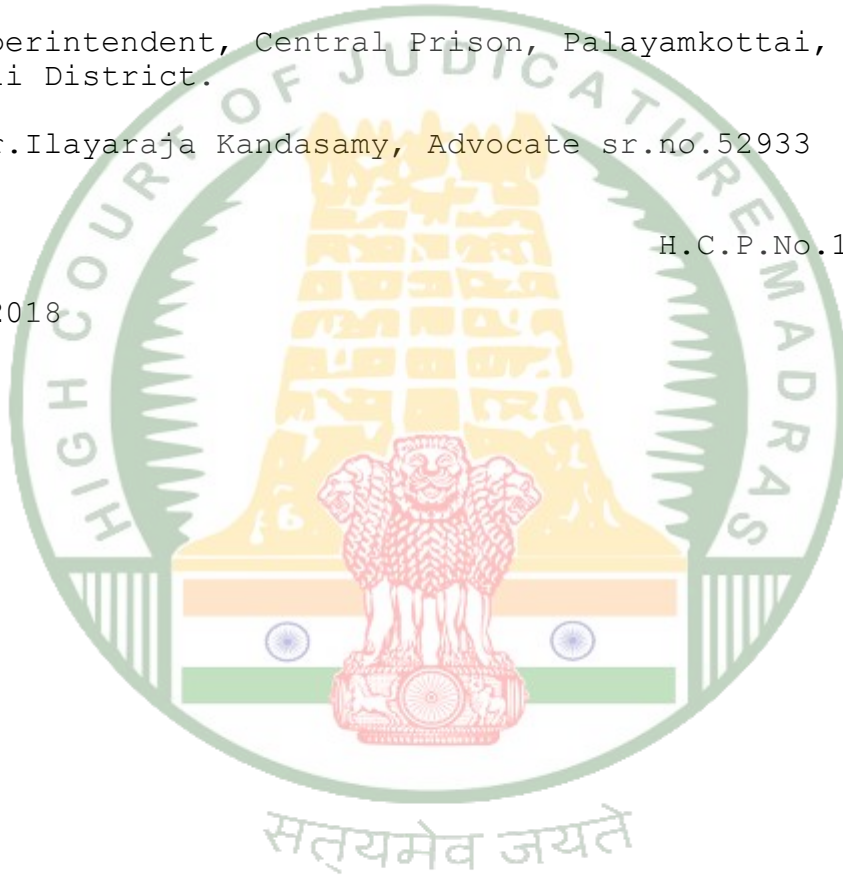
2. The Additional Director General of Police / Inspector General
of Prisons,
CMDA, Towers II, No.1,
Gandhi Irwin Road, Egmore, Chennai 600 008.

3. The Superintendent, Central Prison, Palayamkottai,
Tirunelveli District.

+1cc to Mr.Ilayaraja Kandasamy, Advocate sr.no.52933

H.C.P.No.1345 of 2018

nr 19/09/2018



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