

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.13782 of 2012

C.Sellamuthu

.. Petitioner

Vs.

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

2.The Superintendent of Prison,
Special Prison Women,
Vellore, Vellore District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 21.03.2012 and pass orders regarding remission of sentence to petitioner's wife namely Pappa @ Pappathi (Prisoner No.C.MO.1775) who confined at 2nd respondent prison at Vellore.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.B.Anand
Government Advocate

O R D E R

Heard Mr.R.Marudhachalamurthy, learned counsel for the petitioner; Mr.B.Anand, learned Government Advocate for the respondents and perused the materials available on record.

2. The prayer in the writ Petition is to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 21.03.2012.

3. The petitioner would state that his wife was convicted by the Additional District and Sessions Judge cum Fast Track Court III, Dharapuram, Erode District in S.C.No.3 of 2002 and

sentenced to undergo rigorous imprisonment of 7 years for the offences under Sections 392 r/w 397 of IPC. Though the conviction was confirmed by this Court in Criminal Appeal in C.A.No.1792 of 2002, a recommendation was made to the Government to release the petitioner by remitting her sentence under the provisions of Criminal Procedure Code.

4. The learned counsel for the petitioner submitted that after the judgment of this Court in Criminal Appeal No.1792 of 2002, the petitioner sent a representation to the respondents on 21.03.2012. Though it was acknowledged by the respondents on 24.03.2012, however, no order was passed. It is further submitted that during the pendency of the Writ petition, the wife of the petitioner had undergone the sentence and she was released from jail.

5. In the light of the above submission, there is no scope for further adjudication in this Writ Petition. The Writ Petition fails and the same is dismissed. There is no order as to costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

r n s

To

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

2.The Superintendent of Prison,
Special Prison Women,
Vellore, Vellore District.

+1cc to Mr.R.Marudhachalamurthy Advocate, S.R.No. 72792
+1cc to the Government Pleader, S.R.No. 72404

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KAN(CO)
GN(13/11/2018)