

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.03.2018

Coram

THE HON'BLE MR.JUSTICE C.T.SELVAM
and
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.169 of 2018

A.Mariyapushpalatha Petitioner/Wife of Detenue
Vs.

1. The State of Tamilnadu
Rep. by its Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Superintendent of Central Prison,
Madurai Central Prison,
Madurai.
3. The Inspector of Police,
B.9, Saravanapatti Police Station,
Coimbatore District
[Crime No.15 of 2003]
4. The Inspector of Police,
Perur Police Station,
Coimbatore District.
[Crime No.107 of 2003]

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to direct the respondents to produce the person or petitioner's husband's body namely Arockiayasamy @ Arokiam, S/o.Jeyaraj, aged bout 44 years and issue a direction for undergoing the two life sentences in S.C.No.241/2004 dated 17.02.2006 on the file of the District and Sessions Judge, Coimbatore and in S.C.No.239 of 2004 on 23.11.2004 on the file of the I Additional Sessions Judge, Coimbatore imposed upon him namely Arockiayasamy @ Arokiam S/o.Jeyaraj to run concurrently under section 427(2) of Cr.P.C. and set him at liberty as per law with the time frame fixed by this Court.

For Petitioner : Mr.R. Venkatesan

For Respondent : Mr.R.Prathap Kumar,
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by C.T.SELVAM, J.)

This petition has been filed to issue a direction that the two life sentences in S.C.No.241/2004 dated 17.02.2006 on the file of the District and Sessions Judge, Coimbatore and in S.C.No.239 of 2004 on 23.11.2004 on the file of the I Additional Sessions Judge, Coimbatore imposed upon petitioner's husband namely Arockiayasamy @ Arokiam S/o.Jeyaraj will run concurrently in keeping with section 427(2) Cr.P.C. and set him at liberty as per law within the time frame fixed by this Court.

2. This petition shall stand disposed of with the clarification that the subsequent sentence of imprisonment for life passed against the convict prisoner No.5079 in S.C.No.241 of 2004 on the file of the Additional District and Sessions Judge [Fast track Court No.II], Coimbatore dated 17.02.2006 shall merge with the life sentence imposed upon him in judgment in S.C.No.239 of 2004 by the I Additional Sessions Judge, Coimbatore on 23.11.2004. It often is wrongly understood that sentence for life would mean sentence of imprisonment for a period of 14 years. Sentence for life would mean sentence for the life term of the person convicted. The above clarification will not stand in the way of concerned authorities granting remission in keeping with law and rules extant if considered appropriate.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

vrc

To

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Superintendent of Central Prison,
Madurai Central Prison,
Madurai.

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3. The Inspector of Police,
B.9, Saravanapatti Police Station,
Coimbatore District
[Crime No.15 of 2003]

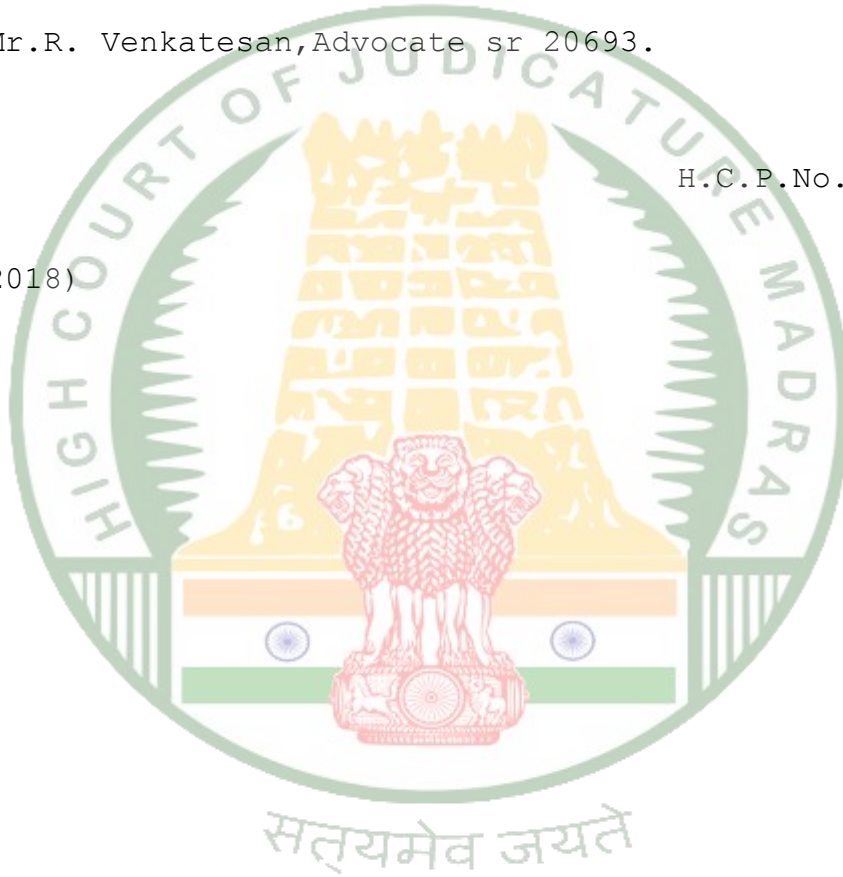
4. The Inspector of Police,
Perur Police Station,
Coimbatore District.

5. The Public Prosecutor,
Madras High Court, Chennai.

+1 CC to Mr.R. Venkatesan, Advocate sr 20693.

H.C.P.No.169 of 2018

SJ(CO)
SP(11/04/2018)



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