

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2018

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA
AND
THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

H.C.P.No.260 of 2018

A.Nadira Banu ... Petitioner/Sister of the detenue
Versus

- 1.State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Secretariat,
Chennai - 600 009.
- 2.The Additional Director General of Police,
& Inspector General of Prisons,
Gandhi Irwin Road, Egmore,
Chennai - 600 008.
- 3.The Superintendent of Prison,
Central Prison - I, Puzhal,
Chennai - 600 066. ... Respondents

Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Habeas Corpus, directing the respondents to produce the petitioner's brother namely Ibrahim @ Koolai Ibrahim, aged about 40 years, a life convict T.C.No.4661 in S.C.No.201 of 1999 on the file of the learned II Additional District and Sessions Court, Coimbatore, now confined in Central Prison-I, Puzhal, Chennai-600 066 before this Court and set him at liberty on premature release.

For Petitioner : Mr.G.Ponnambalathiyagarajan

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by S.VIMALA,J.,)

This habeas corpus petition is filed by the petitioner / sister of the convict prisoner namely, Ibrahim @ Koolai Ibrahim.

2.The detenu is the life convict by virtue of the conviction and sentence passed in S.C. No.201 of 2009, which was confirmed by the this Court on 15.10.2017 in C.A.No.963 of 2001. It is the case of the petitioner that despite several representations being submitted for the premature release of her brother claiming benefits under G.O.(Ms) No.1155 dated 11.09.2008, there was no reply from the respondents when her brother is eligible for premature release. On one such occasion, an application has been submitted invoking the provision of the Section 7 (1) of Right to Information Act in respect of which there had been a reply that he is eligible for release. Subsequently on 19.09.2017, the Public Information Officer has informed the detenu that apart from the life conviction imposed on him, he is an additionally suffering imprisonment in respect of Section 4(b) and 6 of the Explosives Substances Act, 1908, and as there is additional punishment under the Explosives Substances Act, 1908, the Government order is expected and that seems to be the reason for not submitting the final reply by the concerned authorities.

3.Under such circumstances, we direct the respondents to pass orders on the representation dated 08.08.2017, within a period of four weeks from the date of receipt of a copy of this order.

4.Accordingly, this habeas corpus petition is disposed of.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

ia/srk

To:

1.The Principal Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2.The Additional Director General of Police,
and Inspector General of Prisons,
Gandhi Irwin Road, Egmore,
Chennai - 600 008.

3.The Superintendent of Prison,
Central Prison - I, Puzhal,
Chennai - 600 066.

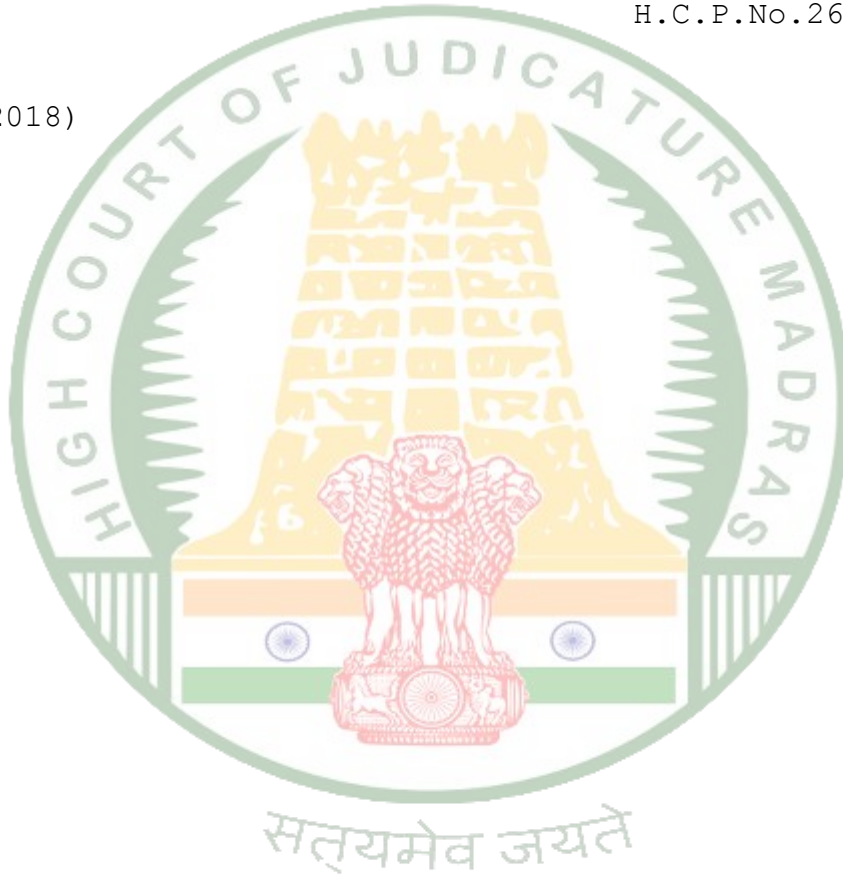
4.The Additional Public Prosecutor,
High Court, Madras.

5. The Additional District and Sessions Judge, Coimbatore.

+ 1 cc to Mr. S. Senthilkumar, Advocate Sr.45392

H.C.P.No.260 of 2018

NMI (CO)
EU(30/07/2018)



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