

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 30.07.2018

CORAM

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

H.C.P. NO. 1607 OF 2017

Mehaboobjan .. Petitioner

- Vs -

1. The State rep. By
the Secretary to Govt.
Home Department
Fort St. George, Chennai 600 009.
2. The Superintendent
Central Prison, Kovai. .. Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus for a direction on the respondents to prematurely release the detenu, Ashique, S/o Sardar, Life convict No.13112, detained in Central Prison, Kovai, in consideration of G.O. (Ms) No.1155 dated 11.9.08.

For Petitioner : Mr. Dr. S.Manoharan
For Respondents: Mr. R.Prathap Kumar, APP

ORDER

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

The petitioner, the mother of the detenu, has filed the present petition seeking a direction to the respondents to release the detenu, Ashique, S/o Sardar, Life convict No.13112, presently detained in Central Prison, Kovai, in terms of G.O. (Ms) No.1155 dated 11.9.08.

2. Learned counsel appearing for the petitioner submits that the detenu has already served out the sentence of 7 years and has become eligible for consideration in terms of G.O. (Ms) No.1155 dated 11.9.08. It is also pointed out by the learned counsel for the petitioner that in a comparable case, in the case of *Vahitha Sulthana - Vs - The State* (HCP No.1606 of 2017 dated 14.12.17), a Division Bench of this Court considered the case of the detenu therein and by order dated 14.12.2017 has directed release of the detenu therein forthwith. It is therefore submitted that the detenu in the present case, being similarly situated, this Court may also direct the respondents

to give the benefit of G.O. (Ms) No.1155 and release the detenu herein.

3. This Court heard the learned Addl. Public Prosecutor on the above submissions, who submits that the case of the detenu has already been recommended by the jail authorities to the Government for early release in terms of the abovesaid Government Order and the same is pending consideration before the 1st respondent.

4. In the above circumstances, without going into the merits of the issue, this court is of the considered opinion that it is suffice to direct the 1st respondent to consider the case of the detenu herein and pass orders within a particular time frame.

5. Accordingly, the 1st respondent is directed to pass final orders as to the early release of the petitioner within a period of four weeks from the date of receipt of a copy of this order. This habeas corpus petition is closed with the aforesaid direction.

6. List the matter for compliance of the above order after four weeks from the date of despatch of the copy of the order.

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Secretary to Govt.
Home Department
Fort St. George, Chennai 600 009.

2. The Superintendent
Central Prison, Kovai.

3. The Public Prosecutor
High Court, Madras

Copy to: The Section Officer,
Criminal Section,
High Court, Madras
(To post the matter for compliance)

+1cc to Dr.S.Manoharan, Advocate SR.NO.51242/18

KGK(CO)

sm:16.8.2018

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