

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26/06/2018

CORAM:

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

H.C.P.No.299 of 2018

M.Durgadevi

... Petitioner

versus

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Home (Prison IV) Department,
Fort St. George,
Chennai - 600 009.
2. The Additional Director General of Prisons
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. The Superintendent of Central Prisons,
Cuddalore. ... Respondents

Habeas Corpus Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Habeas Corpus, to call for the entire records and to direct the respondents to consider the petitioner's representation dated 08.02.2017 and to consider his eligibility for pre-mature release under Section 432 Cr.P.C. and consequently, direct the respondents herein to produce petitioner's husband Palanisamy, S/o.Rajan (Life convict No.16133 (the detenu)) now he is confined in Central Prison, Cuddalore before this Court.

For Petitioner : Mr.R.Vivekananthan

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

ORDER

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

This petition has been filed by the wife of the detenu seeking a direction to the respondents to consider her

representation dated 08.02.2017 and consider her husband for the eligibility of premature release under Section 432 Cr.P.C. and consequently direct the respondents herein to produce her husband Palanisamy, S/o.Rajan, (Life convict No.16133), confined in Central Prison, Cuddalore, before this Court.

2. It is the case of the petitioner that her husband was in prison from 23.06.2005 onwards and now he served 14 years of imprisonment in the prison, therefore, he is entitled for remission under Section 432 of Cr.P.C. Hence, the petitioner made a representation dated 08.02.2018 before the respondents. But, till date, the same has not been considered by the respondents.

3. The learned Additional Public Prosecutor appearing for the respondents submitted that the representation of the petitioner would be considered and orders would be passed on the representation within a period of four weeks.

4. In view of the above, the respondents are directed to consider the representation of the petitioner dated 08.02.2017 and pass orders, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, the Habeas Corpus Petition is disposed of.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Home (Prison IV) Department,
Fort St. George,
Chennai - 600 009.

2. The Additional Director General of Prisons
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

3. The Superintendent of Central Prisons,
Cuddalore.

4.The Public Prosecutor,
High Court, Madras.

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nr 24/07/2018



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