

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2018

CORAM:

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

H.C.P.No.39 of 2018

A.Sheerin Banu

... Petitioner

versus

The State Rep. by its

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

2. The Additional Director General of Prison,
C.M.D.A.Towers,
Egmore,
Chennai - 600 008.

3. The Superintendent,
Central Prison,
Kovai.

... Respondents

Habeas Corpus Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Habeas Corpus, directing the respondents to consider the detenu, for the premature release as per G.O.Ms.No.1155, dated 11.09.2008 and produce the detenu, Abdul Razaak, S/o.S.R.Basheer, life convict prisoner, convict No.10710 detained at Central Prison, Kovai - 18, before this Hon'ble Court and set him at liberty.

For Petitioner : Dr.S.Manoharan

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

ORDER

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

This Habeas Corpus Petition has been filed by the wife of the detenu, seeking a direction to the respondents to consider the detenu for premature release.

2. The case of the petitioner is that her husband is a life convict having been convicted for the offence under Section 302 IPC and is under incarceration for over 20 years in Central Prison, Coimbatore. It is the further case of the petitioner that the detenu with a view to lead a life which would be a role model after release, has improved his educational qualifications while in confinement and his activities have been appreciated by the jail authorities and he has also received many appreciation certificates from the jail authorities. He had been a good teacher for the remaining prisoners. Placing all these things on record, the petitioner has submitted a representation dated 20.11.2017 to the respondents seeking premature release of her husband. But, the same has not been considered by the respondents. Hence, the present Habeas Corpus Petition has been filed.

3. The learned Additional Public Prosecutor submits that the benefit of new G.O. has not been asked for by the petitioner in the representation dated 20.11.2017.

4. Even though the benefit of new G.O. would not have been within the knowledge of either the detenu or the petitioner herein, there would be no impediment for the jail authorities to find out whether the benefit of new G.O. would be applicable to the case of the detenu or not.

5. In the stated circumstances, this Court directs the respondents to consider the representation of the petitioner dated 20.11.2017 and also in the light of the applicability of G.O.Ms.No.64 dated 01.02.2018 to the case of the detenu and intimate the result of the detenu as well as the petitioner herein, within a period of four weeks from the date of receipt of a copy of this order.

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

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

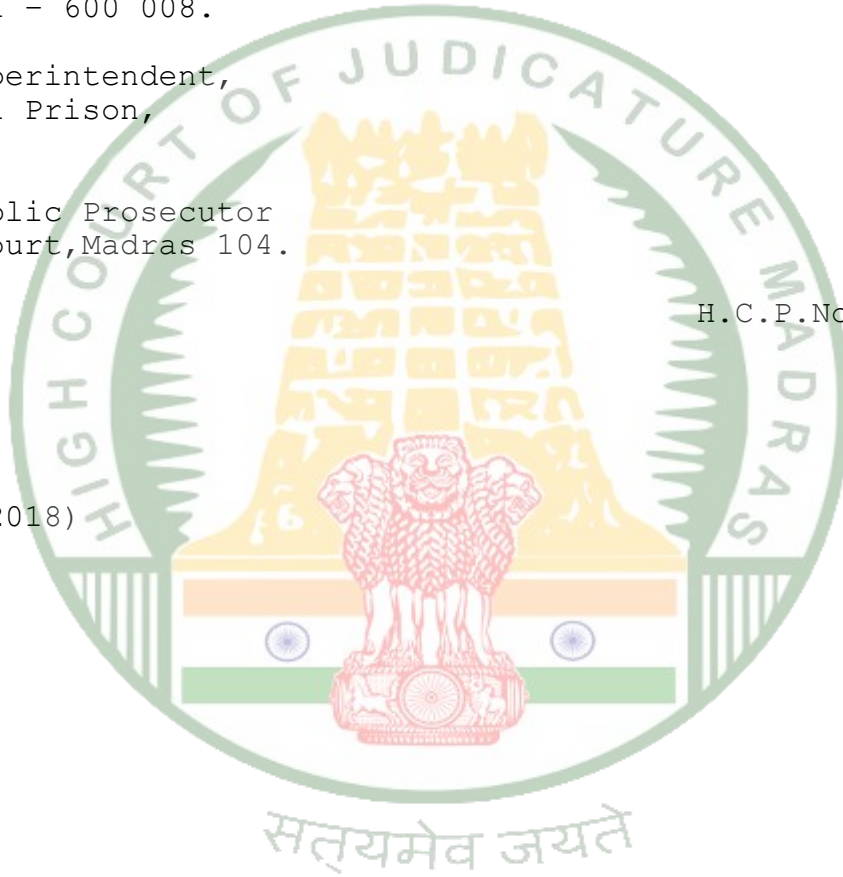
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To

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Egmore,
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3. The Superintendent,
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4. The Public Prosecutor
High Court, Madras 104.

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VBA (CO)
SP (09/08/2018)



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