

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2018

CORAM:

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

H.C.P.No.465 of 2017

C.Murugesan

... Petitioner

versus

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of Home,
Fort St. George,
Chennai - 600 009.

2. The Director General of Prisons,
Egmore, Chennai - 600 008.

3. The Superintendent,
Central Prison (Women),
Vellore, Vellore District.

... Respondents

Habeas Corpus Petition filed under Article 226 of Constitution of India, for the issuance of writ of Habeas Corpus, directing the 1st respondent to grant permanent parole to the Detenue Chinnammal, wife of Chinnaraj, Life Convict now confined at Special Central Prison (Women), Vellore and to set her at liberty.

For Petitioner : Mr.R.Sankarasubbu
For Respondents: Mr.R.Prathap Kumar,
Additional Public Prosecutor

ORDER

Dr.S.Vimala, J.,

This Habeas Corpus Petition has been filed by the son of the detenue, seeking a direction for the release of his mother Chinnammal, who is the life convict confined at Special Central Prison and to set her at liberty.

2. It is stated by the petitioner that his mother was convicted under Section 302 and sentenced to undergo life imprisonment, which was confirmed by the High Court and she is

in jail in respect of the conviction.

3. The learned counsel appearing for the petitioner submits that the detainee is entitled to be considered for the privilege and the benefits available, which is conferred under G.O.Ms.No.64, Home (Prison-IV) Department, dated 01.02.2018. The learned counsel appearing for the petitioner also submits that the life convict has completed 10 years of actual imprisonment as on 25.02.2018 and she is now aged about 60 years, and thus, she is eligible for consideration as per the benefit of G.O.Ms.No.64, dated 01.02.2018.

3.1. Apart from that, it is pointed out by the learned counsel for the petitioner that as the detainee is a heart patient and she is taking treatment at Christian Medical College, Vellore, she is also entitled for consideration of premature release on account of her health condition.

3.2. It is further contended that a person aged more than 60 years with her ailment cannot be a menace for the society, therefore, the authority shall consider the premature release on the ground of health condition, at the earliest point of time.

4. The learned Additional Public Prosecutor appearing for the respondents submits that jurisdiction is vested with the concerned authorities to consider the representation of the detainee and to take into account to the medical condition and to pass appropriate orders.

5. In view of the above, we direct that the respondents shall consider representation of the detainee for premature release as sought for in this Habeas Corpus Petition, 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.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

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To

1. The Secretary,
Department of Home,
Fort St. George,
Chennai - 600 009.
2. The Director General of Prisons,
Egmore, Chennai - 600 008.
3. The Superintendent,
Central Prison (Women),
Vellore, Vellore District.
4. The Joint Secretary To Government,
Public Law and Order,
Fort.St.George, Chennai-9.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Sankara Subbu, Advocate SR.No.39655

H.C.P.No.465 of 2017

GP(CO)
GN(12/07/2018)



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