

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.12.2018
CORAM:
THE HONOURABLE Mr. JUSTICE C.T.SELVAM
AND
THE HONOURABLE Mrs. JUSTICE S.RAMATHILAGAM
H.C.P.No.1753 of 2018

A.Loorthu Mery

... Petitioner

-Vs-

The State represented by

1. The Secretary to Government of Tamil Nadu,
Department of Home,
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 of Prison,
Central Prison,
Vellore.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to entitle the detenu, for the premature release in considering the G.O. in G.O. (Ms) No.64 dated 01/02/2018 and produce the detenu, Manimaran, S/o. Arul, aged about 40 years, convict no.1388 detained at Central Prison, Vellore before this Honble Court and set him at liberty.

For Petitioner : Mr.Dr.S.Manoharan

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

ORDER

[Order of the Court was made by C.T.SELVAM, J.]

Petitioner, who is the mother of Convict Prisoner viz., Manimaran (Convict No.1388 housed in Central Prison, Vellore), S/o.Arul, has moved the present petition seeking relief under G.O.(Ms) No.64, Home (Prison-IV) Department dated 01.02.2018.

2. Heard learned counsel for petitioner as also learned Additional Public Prosecutor for respondents.

3. Convict prisoner faced trial in S.C.No.188 of 2005 on the file of learned Additional District and Sessions Judge, Fast Track Court No.1, Chennai. After trial, Trial Court convicted him u/s 302 IPC and sentenced to undergo Life Imprisonment.

4. Petitioner has made a representation on 27.07.2018 to the respondents informing the application of G.O.(Ms).No.64, Home (Prison-IV) Department dated 01.02.2018 in the case of her son/convict prisoner and seeking relief thereunder. The said representation has been rejected by third respondent in his letter No.R1/8220/2018 dated 10.08.2018.

5. A perusal of the counter of the third respondent informs that the convict prisoner is considered ineligible for release under G.O.(Ms).No.64. Since he has been convicted for offence u/s 8(c) r/w 20(b)(ii) A of NDPS Act in C.C.No.135 of 2004 on the file of Special Judge Additional Special Court, NDPS Act and has been sentenced to undergo three months R.I on 19.06.2007. The convict prisoner having undergone such sentence very much earlier ought not be deprived the benefit of G.O.(Ms)No.64.

6. Accordingly, this Habeas Corpus Petition shall stand disposed of. The detenu viz., Manimaran (Convict No.1388 housed in Central Prison, Vellore), S/o.Arul, aged 40 years is directed to be released forthwith in terms of G.O.Ms.No.64 Home [Prison-IV] Department dated 01.02.2018 unless his presence is required in any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmi

To:

1. The Secretary to Government of Tamil Nadu,
Department of Home,
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 of Prison,
Central Prison,
Vellore.

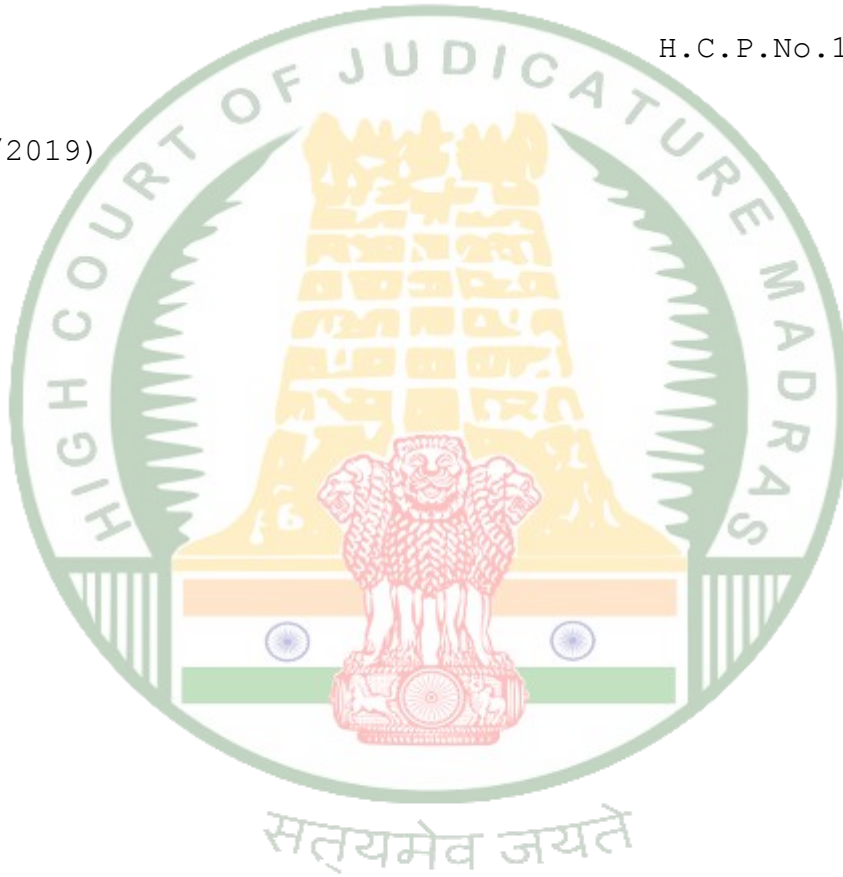
4.The Public Prosecutor,
High Court, Madras.

5.The Secretary to Government
Public (Law & Order)
Fort St.George Chennai

+lcc to Mr.S.Manoharan, Advocate, S.R.No.84556

H.C.P.No.1753 of 2018

AK(CO)
GSP(09/01/2019)



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