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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.30791 of 2018

K.V.Komarasamy

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Home (Prison-IV) Department,
Fort St. George,
Madras - 600 001.

2.The Additional Director General of Police,
Inspector General of Prisons,
1 Gandhi Irwin Road,
Egmore, Madras - 600 008.

3.The Superintendent of Prisons,
Cuddalore Central Prison,
Cuddalore.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus and to direct the first respondent to pass necessary orders on the representation dated 24.10.2018 made by the petitioner's son Mr.Balu @ Dhanapal, in the light of G.O.Ms.No.64 dated 01.02.2018 within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.Sharath Chandran

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed for a direction to the first respondent to pass orders on the representation dated 24.10.2018 made by the petitioner for premature release of his son, who is a life convict at the Central prison, Cuddalore.



2. The learned counsel for the petitioner would submit that the petitioner's son stood trial as an accused in S.C.No.142 of 2003, for an offence under Sections 448, 307, 302 read with 34 and 506 (II) of Indian Penal Code and Section 3(2)(v) of the SC/ST Act. By Judgment dated 03.03.2004, the petitioner's son was convicted and sentenced to undergo life imprisonment. This Judgment was confirmed by this Court in Crl.A.No.449 of 2004, by Judgment dated 19.08.2006.

3. The learned counsel for the petitioner would submit that the petitioner's son has already served 14 years in jail. The first respondent had issued a Government order in G.O.Ms.No.64 dated 01.02.2018, providing for premature release of life convicts in the State. Since the petitioner's son satisfies the eligibility criteria that has been prescribed in the G.O., the petitioner had made a representation to the first respondent to pass necessary orders for the premature release of the petitioner's son. Since no order has been passed on the representation made by the petitioner, this writ petition has been filed before this Court.

4. The learned Government Advocate would submit that as per the procedure, the second respondent has to consider the representation and has to the report before the first respondent and only thereafter, the first respondent will decide regarding the premature release of the life convict.

5. In the facts and circumstances of the case, the second respondent is directed to immediately consider the representation made by the petitioner and give a report to the first respondent, within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the first respondent shall pass necessary orders in accordance with G.O.Ms.No.64 dated 01.02.2018, within a period of six weeks from the date of receipt of the report from the second respondent. The petitioner is also directed to make a fresh representation along with the copy of this order to the first and second respondents.

6. With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar



nmm/dss

To

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- 1.The Government of Tamil Nadu,
Home (Prison-IV) Department,
Fort St. George,
Madras - 600 001.
 - 2.The Additional Director General of Police,
Inspector General of Prisons,
1 Gandhi Irwin Road,
Egmore, Madras - 600 008.
 - 3.The Superintendent of Prisons,
Cuddalore Central Prison,
Cuddalore.
 - 4.The Public Prosecutor,
Madras High Court, Chennai.
- +2 cc's to Mr.Govindchandrasekaran, Advocate SR.No.80538

W.P.No.30791 of 2018

GJ(CO)
CSL/21.12.2018