



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P (MD) No.231 of 2018

Pommi

... Petitioner

Vs.

1.The State of Tamilnadu represented by
The Home Secretary,
The Government of Tamil Nadu,
Fort St. George, Chennai.

2.The State of Tamilnadu represented by
The Principal Secretary,
Home (Prison) Department,
The Government of Tamil Nadu,
Fort St. George, Chennai.

3.The Additional Director General of Police/
Inspector General of Prisons,
C.M.D.A. Towers II,
No.I, Gandhi Irvin Road, Egmore, Chennai -8.

4.The Deputy Inspector General of Prisons,
Madurai Circle, Madurai.

5.The Superintendent of Central Prison,
Central Prison, Madurai,
Madurai District.

6.The Inspector of Police,
Subramaniapuram Police Station,
Madurai District.

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the Respondents to reckon the period of remission as the sentence served by the petitioner's Father as more than Sixteen years and consequently to release the petitioners father (Namely Marimuthu aged about 45 years), Life convict No.4066 Madurai Central Prison, Madurai by premature release in accordance with G.O. (Ms). No.64 dated 01.02.2018 as request as per the representation of



the petitioner dated 15.02.2018 before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.S.Sivaprakash

For Respondents : Mr.K.Chellapandian
Additional Advocate General
Assisted by Mr.C.Ramesh,
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.SATHYANARAYANAN, J.)

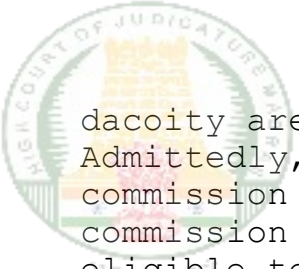
The petitioner is the daughter of the life convict in S.C.No.341 of 2002, on the file of the learned Additional District and Sessions Judge (Fast Track Court No.1), Madurai and he was convicted and sentenced for the commission of offences under Sections 394 r/w 397 and 302 I.P.C. The petitioner came forward to file this Habeas Corpus Petition, claiming the benefit of remission as per G.O.(Ms) No.64 Home (Prison-IV) Department dated 01.02.2018.

2.The learned counsel appearing for the petitioner invited the attention of this Court to the order dated 26.10.2016, made in H.C.P. (MD) No.540 of 2016 in the case of P.Veera Bhaarathi vs. The State of Tamil Nadu, Rep. by the Principal Secretary to Government, Home (Prison) Department, Tamil Nadu Government Chief Secretariat, Fort St. George, Chennai - 600 009 and two others and submitted that in similar facts and circumstances, the concerned respondents were directed to consider the case of the petitioner therein for premature release and since the detenu, the father of the petitioner, is similarly placed she prays for appropriate orders.

3.Per contra Mr.K.Chellapandian, learned Additional Advocate General, Assisted by Mr.C.Ramesh, learned Additional Public Prosecutor, would submit that admittedly the petitioner is claiming the benefit of the said G.O. to his father and as per the exclusion clause the prisoner convicted for the offence of robbery and dacoity cannot be considered for premature release and since the petitioner's father has been convicted for the commission of offence under Section 394 r/w 397, he is not eligible for remission and prays for dismissal of the Habeas Corpus Petition.

4.This Court has carefully considered the rival submissions and perused the materials placed on record.

5.G.O.(Ms) No.64 Home (Prison-IV) Department dated 01.02.2018, has been issued granting the benefit of remission to the prisoners in commemoration of Birthday Centenary Celebration of former Chief Minister M.G.Ramachandran and to consider the premature release guidelines have also been formulated. As per paragraph 5 (II) 2(A) (iii) and (iv) the prisoners convicted for robbery and



dacoity are not eligible to be considered for premature release. Admittedly, the father of the petitioner has been convicted for the commission of the offence under Section 394 r/w 397 apart from commission of offence under Section 302 I.P.C. and as such he is not eligible to be considered for premature release under the said G.O.

6. In the result, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (Crl. Side)

/True Copy/

Sub Assistant Registrar

To

1. The Home Secretary, The Government of Tamil Nadu,
Fort St. George, Chennai.
 2. The Principal Secretary, Home (Prison) Department,
The Government of Tamil Nadu, Fort St. George, Chennai.
 3. The Additional Director General of Police/ Inspector General of
Prisons, C.M.D.A. Towers II, No. I, Gandhi Irvin Road,
Egmore, Chennai -8.
 4. The Deputy Inspector General of Prisons, Madurai Circle, Madurai.
 5. The Superintendent of Central Prison, Central Prison, Madurai,
Madurai District.
 6. The Inspector of Police, Subramaniapuram Police Station,
Madurai District.
 7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1CC to Mr. S. Siva Prakash, Advocate, SR.No. 51436

H.C.P (MD) No. 231 of 2018

23.02.2018

sj

AM/CVC/SAR 2/09.03.2018/3P/9C