



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2018

CORAM

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD) No.3311 of 2018
and
W.M.P. (MD) No.3802 of 2018

SP.Senguttuvan

... Petitioner

-Vs-

- 1.The State of Tamilnadu,
by its Principal Secretary,
Home (Prisons) Department,
Secretariat, Fort St. George,
Chennai.
- 2.The Additional Director General of Police,
(Inspector General of Police (Prisons),
CMDA Towers II, 1, Gandhi Irwin Road,
Egmore, Chennai.
- 3.The Superintendent of Prisons,
Central Prison, Trichy.
- 4.The Inspector of Police,
Karambakudi Police Station,
Pudukottai District.
- 5.Saroja, Wife of Rengarajan,
Prisoner number not known,
Confined in Central Prison for Women,
Trichy.
- 6.Arasan, Son of Rengarajan,
Prisoner number 99441,
Confined in Central Prison,
Trichy.
- 7.Arasa Gobi, Son of Rengarajan,
Prisoner number 99442,
Confined in Central Prison,
Trichy.
- 8.Selvam, Son of Veeran,
Prisoner number 99439,
Confined in Central Prison,
Trichy.



9. Gunasekaran, Son of Muniyandi,
Prisoner number 99443,
Confined in Central Prison,
Trichy.

10. Thirumeni, Son of Chandran,
Prisoner number 15522,
Confined in Central Prison,
Trichy.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's objection dated 09.02.2018 with regard to premature release of the respondents 5 to 10 pertaining to their conviction and sentence in S.C.No.18 of 1999, on the file of the Additional Sessions Judge cum Chief Judicial Magistrate, Pudukottai confirmed by this Court by judgment dated 20.07.2006 in CrI.A.No.300 of 2002 and in S.C.No.16 of 2001 on the file of the Additional District and Sessions Judge, Pudukottai and confirmed by this Court in judgment dated 30.06.2008 in CrI.Appeal No.126 of 2007.

For Petitioner	:	Mr.K.N.Govardhanan
For R-1 to R-4	:	Mr.Chellapandian Additional Advocate General assisted by Mr.V.Anand, Government Advocate (CrI. Side)
For R-6 to R-10	:	Mr.V.Selva

O R D E R

This writ petition has been filed to direct the the respondents 1 to 4 to consider the petitioner's objection dated 09.02.2018 with regard to premature release of the respondents 5 to 10 , who were convicted and sentenced in S.C.No.18 of 1999, on the file of the Additional Sessions Judge cum Chief Judicial Magistrate, Pudukottai confirmed by this Court by judgment dated 20.07.2006 in CrI.A.No.300 of 2002 and in S.C.No.16 of 2001 on the file of the Additional District and Sessions Judge, Pudukottai, and confirmed by this Court in judgment dated 30.06.2008 in CrI.Appeal No.126 of 2007.

2. Heard, Mr.K.N.Govardhanan, learned counsel appearing for the petitioner, Mr.Chellapandian, learned Additional Advocate General appearing for the respondents 1 to 4 and Mr.V.Selva, learned counsel appearing for the respondents 6 to 10.

3. The learned counsel appearing for the petitioner submitted that the petitioner's family members were murdered by the respondents 5 to 10 and hence, the respondents 5 to 10 were convicted in S.C.No.18 of 1999, on the file of the Additional



Sessions Judge cum Chief Judicial Magistrate, Pudukottai, for the offences under Section 302 IPC and sentenced to life imprisonment [three accused].

4. He further submitted that since some of the accused were absconding, their case has been split up and they were tried in S.C.No.16 of 2001 and they were also convicted under Section 302 IPC and sentenced to life imprisonment [three accused] by the learned Additional District and Sessions Judge cum Chief Judicial Magistrate, Pudukottai, and he further submitted that against the aforesaid award in the aforesaid cases, the accused persons have preferred appeals before this Court in CrI.A.(MD)No.300 of 2002 and CrI.A.(MD)No.126 of 2007 and both the appeals were dismissed by confirming the trial Court judgment and sentence.

5. He further submitted that now, the first respondent is trying to release the respondents 5 to 10 by giving remission and to that effect, he also issued G.O.Ms.64, HOME (PRISON-IV) DEPARTMENT, dated 01.02.2018.

6. He further submitted that already, two accused persons were released on pre-mature basis and after coming out of the jail, they have indulged in many criminal activities and two cases have been registered against them. If the respondents 5 to 10 are also released on premature basis, then, they will create law and order problem and also give troubles to the petitioner's family. He is having apprehension that they may not lead a happy life and hence, he has sent a petition to the respondents 1 to 4 on 09.02.2018, but, sofar, no action has been taken on his petition.

7. The learned Additional Advocate General has submitted that the Government has issued G.O.Ms.64, HOME (PRISON-IV) DEPARTMENT, dated 01.02.2018, in which, it is clearly stated that before passing such Government Order, the judgments delivered by the Hon'ble Supreme Court are also taken into consideration.

8. He further submitted that in the above said Government Order, it is also specifically stated that who are the persons eligible for getting remission and what are the procedures to follow at the time of giving remission. Therefore, the Government has taken steps only by following the legal procedures.

9. The petitioner has not questioned the validity of the above said Government Order. The prayer is limited one. He is seeking a direction of this Court to direct the respondents 1 to 4 to consider his representation at the time of passing order for pre-mature release of the respondents 5 to 10. Therefore, the second respondent is directed to consider the petitioner's representation and dispose of the same. The result should be informed to the petitioner by RPAD.



10. With the aforesaid observations, this writ petition is disposed of. No costs. Consequently, the connected M.P. is closed .

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To

1. The Principal Secretary,
Home (Prisons) Department,
Secretariat, Fort St. George,
Chennai.
2. The Additional Director General of Police,
(Inspector General of Police (Prisons),
CMDA Towers II,
1, Gandhi Irwin Road,
Egmore, Chennai.
3. The Superintendent of Prison,
Central Prison,
Trichy.
4. The Inspector of Police,
Karambakudi Police Station,
Pudukottai District.

+One cc to The Special Government Pleader, SR.No.51347

+One cc to M/s.N.Ananda Kumar, Advocate, SR.No.51241

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RL/7C/4P/JC/SAR1/27/3/2018

Order made in
W.P. (MD) No. 3311 of 2018
23.02.2018