



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.01.2018

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THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

W.P. (MD) No.861 of 2018

Bagavathi ... Petitioner

Vs.

1.State of Tamilnadu Rep by
The Principal Secretary,
Home (Prison) Department,
Fort St.George,
Secretariat,
Chennai-600009.

2.The Additional Director General of Police (Prisons)/
The Inspector General of Prisons,
CMDA Tower-II, No.1, Gandhi Irwin Road,
Egmore,
Chennai.

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

... Respondents

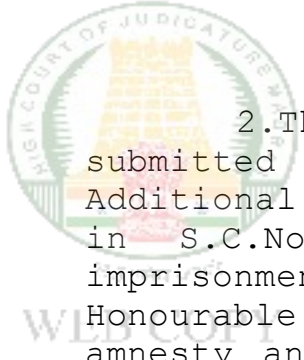
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of mandamus, to direct the respondents to include the Emergency leave period with granted to the petitioner's husband by name Samuvel son of Siruvan aged about 42 years, now confining at Madurai central prison as life convict along with his conviction period and consider the petitioner's for the premature release by considering the petitioner's representation dated 08.01.2018 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.N.Shanmugaselvam
Additional Government Pleader

O R D E R

This petition has been filed to direct the respondents to
consider the representation given by the petitioner's husband
dated 08.01.2018 for premature release.



2.The learned counsel appearing for the petitioner has submitted that the petitioner's husband was convicted by the Additional District Sessions Judge, Ramanathapuram, on 18.12.2007 in S.C.No.76 of 2007 and sentenced him to undergo life imprisonment under Section 302 IPC. He further submitted that the Honourable Chief Minister of Tamilnadu has announced General amnesty and premature release in MGR Centenary birth anniversary and given press release and it discloses that the Government of Tamil Nadu decided to release the life convicts, who have completed ten years imprisonment in prison on January 18, 2018. He further submitted that the petitioner's husband has already served ten years and four months, but during the aforesaid period he availed emergency leave for 189 days and if the said period is included in the aforesaid conviction period, then he will get benefit of the premature release. He further submitted that already the petitioner's husband has submitted a representation to the third respondent on 04.01.2018 and 08.01.2018, but so far, no order has been passed. Hence, he is requesting before this Court to direct the third respondent to consider the said representations.

3.The learned Additional Government Pleader has submitted that in the petition itself it is stated that already the representation made by the petitioner has been considered and rejected orally.

4.Considering the aforesaid submissions, the third respondent is directed to consider the representation submitted by the petitioner's husband and pass appropriate order on merits in accordance with law and communicate the same to the petitioner's husband.

5.With the aforesaid direction, this writ petition is disposed of.

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To

1.The Principal Secretary,
Home (Prison) Department,
Fort St.George,
Secretariat,
Chennai-600009.

2.The Additional Director General of Police (Prisons)/
The Inspector General of Prisons,
SMDA, No.1, Gandhi Irwin Road,
Egmore,
Chennai.



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

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RMK/DAS
KK/SKN RSK/SAR 1/11.01.2018/ 3P- 4C/