



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2018

CORAM:

WEB COPY

**THE HONOURABLE DR. JUSTICE S.VIMALA
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

HCP [MD]No.1281 of 2016

S.Jimmi Pandi

: Petitioner

Vs.

State represented by

1. The Principal Secretary to the Government,
Home (Prison IV) Department,
Secretariat, Fort St.George, Chennai - 600 009.
2. The Director General of Prisons,
CMDA Towers II, No.1, Gandhi Irwin Road,
Egmore, Chennai- 600 008.
3. The Deputy Inspector General of Prisons,
Madurai Range, Central Prison Campus,
Madurai - 625 016.
4. The Inspector of Police,
Silaiman Police Station, Madurai.
(Crime No.181 / 2005)
5. The Superintendent of Prison,
Central Prison,
Madurai - 625 016.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus directing the respondents 1 to 5 to produce the petitioner (detenue, S.Jimmi Pandi son of Santhana Thevar) convicted prisoner No.4722, Central Prison, Madurai aged about 60 years before this Court, who is under illegal detention in the central prison, Madurai and set him at liberty forthwith.

For Petitioner : Mr.P.Pethu Rajesh

For Respondents : Mr.K.Chellapandian,
Additional Advocate General
assisted by
Mr.K.Dinesh Babu,
Additional Public Prosecutor

**ORDER****[Order of the Court was made by S.VIMALA, J]**

WEB COPY This petition has been filed claiming that even though the petitioner is entitled to grant of remission under various Government Orders issued, the petitioner has been treated differently in the not granting of the remission, even though while the other prisoners who are similarly placed have been granted remission.

2.The respondents have filed a counter stating that it is a prerogative of the Government to consider the remission and the writ petition is not maintainable.

3. No doubt, it is a prerogative of the Executive to consider the case of the remission, as claimed by the petitioner. However, as it is claimed that there is discrimination in the consideration and that the discretion has not been properly exercised by the Executive, we direct the respondents to consider the claim of the petitioner, in the light of the representation made, apart from the averments made in this writ petition and in the light of the law applicable and to pass orders, within a period of three months from the date of receipt of a copy of this order.

4.With the above directions, this Habeas Corpus Petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to the Government,
Home (Prison IV) Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director General of Prisons,
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Madurai - 625 016.



4. The Inspector of Police,
Silaiman Police Station,
Madurai.

5. The Superintendent of Prison,
Central Prison,
Madurai - 625 016.

6. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.P.PETHU RAJESH, ADVOCATE IN SR No. 57812

DAS/RMI/SRK

TE/SB/SAR-1 : 10/07/2018 : 3P/8C

ORDER MADE IN
HCP [MD]No.1281 of 2016
26.03.2018