



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2018

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P. (MD) No. 21224 of 2018

Kalai Eswari

...Petitioner

Vs.

1.State of Tamil Nadu

Represented by the Principal Secretary to Government
Home (Prison IV) Department
Secretariat, Fort St. George
Chennai 600 009

2.The Additional Director General of Police

/Inspector General of Prison
No.1, Gandhi Irwin Salai
Egmore, Chennai 600 008

3.The Superintendent of Prison

Madurai Central Prison
Madurai 625 016

...Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents to treat the petitioner's father namely, Boominathan, S/o.Rajkumar Thevar (C.P.No.4558) as having become eligible for the premature release by G.O.(Ms).No.64 Home (Prison-IV), Department, dated 01.02.2018 and release him forthwith.

For Petitioner : Mr.C.Mayilvahan Rajendran
For Respondents : Mr.B.Bhagawathi
Government Advocate

ORDER

This writ petition has been filed seeking for the premature release of the convict in accordance with G.O.(Ms).No.64 Home (Prison-IV), Department, dated 01.02.2018.

2.The father of the petitioner is a life convict by Judgment dated 30.05.2006 passed by the learned Sessions Judge, Ramanathapuram in S.C.No.10 of 1996. He was convicted for the offences under Sections 147, 148, 324,, 307 and 302 I.P.C and was imposed a punishment of life sentence. This was confirmed by the Judgment of the Hon'ble Supreme Court in CrI.A.Nos.225 to 227 of 2009, CrI.A.No.895 of 2009 and CrI.A.No.429 of 2015, dated 09.12.2016.

<https://hcservices.courts.gov.in/hcservices/>
3.The learned counsel for the petitioner would submit that the petitioner made a representation dated 21.08.2018 to the



respondents requesting for premature release of the life convict. The learned counsel also brought to the notice of this Court that the Government of Tamil Nadu has passed a remission G.O.(Ms).No.64 Home (Prison-IV), Department, dated 01.02.2018.

4.The learned Government Advocate would submit that the representation will be considered by the first respondent and an appropriate order will be passed, in accordance with law.

5.In view of the limited relief sought for by the petitioner, there shall be a direction to the first respondent to consider the representation dated 21.08.2018 given by the petitioner and pass appropriate orders, in accordance with law, after taking into consideration of G.O.(Ms).No.64 Home (Prison-IV), Department, dated 01.02.2018, passed by the Government of Tamil Nadu. The said process shall be completed within a period of six weeks from the date of receipt of a copy of this order.

6.With this direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS-IV)

To

(*)to be substituted the order already despatched on 14/11/2018

1.The Secretary to Government
Home (Prison IV) Department
Secretariat, Fort St.George, Chennai 600 009

2.The Additional Director General of Police
/Inspector General of Prison
No.1, Gandhi Irwin Salai
Egmore, Chennai 600 008

3.The Superintendent of Prison
Madurai Central Prison, Madurai 625 016

(*)+1 CC To MR.C.MAYIL VAHANA RAJENDRAN, Advocate SR. NO. 90325

+1 CC TO The Special Government Pleader SR.NO. 90433

W.P.(MD)No.21224 of 2018

11.10.2018

MSA

TR/RP/SAR-IV(09.11.2018)2P 4C

TR/RP/SAR-IV(20.11.2018)2P 6C