



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.09.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. [MD].No.2223 of 2016

WEB COPY

S.Manimegalai

..... Petitioner

Vs.

1. The Additional Director General of Police
Office of the Inspector General of Police
Chennai -8

2. The Superintendent of Police
Central Prison
Madurai.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to include the period of incarceration from 23.11.1998 to 06.08.1999 a period of 257 days in the sentence suffered with by the petitioner husband in Sessions Case No.454 of 2000 dated 05.02.2002 imposed by the learned Additional District and Sessions Judge, (Fast Track Court No.I, Madurai).

For Petitioner

: Mr.C.M.Arumugam

For Respondents

: Mr.B.Bhagawathi

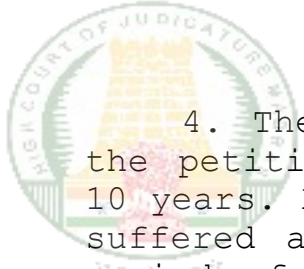
Government Advocate

ORDER

This writ petition has been filed seeking for an issuance of writ of mandamus directing the respondents to include the period of incarceration from 23.11.1998 to 06.08.1999 a period of 257 days in the sentence suffered with by the petitioner husband in Sessions Case No.454 of 2000 dated 05.02.2002 imposed by the learned Additional District and Sessions Judge, (Fast Track Court No.I), Madurai.

2. The petitioner's husband was convicted for offence under section 302 of IPC by the learned Additional District and Sessions Judge, (Fast Track Court No.I), Madurai by judgment dated 05.02.2002 and was granted life sentence.

3. In the very judgment itself it has been categorically stated that the period undergone by the petitioner's husband in prison is to be set off in accordance with law as per section 428 of Cr.P.C.. The petitioner has been inside prison from 05.02.2002 onwards.



4. The learned counsel for the petitioner would submit that the petitioner's husband has undergone imprisonment for more than 10 years. He is entitled for remission. However 257 days which he suffered as pre trial prisoner is not being added in the total period of confinement in the prison. Therefore the petitioner made a representation dated 08.01.2016 to both the respondents. The first respondent on receipt of the representation, directed the second respondent to take further action on the representation made by the petitioner. This communication was made on 19.01.2016. Thereafter there is no progress and therefore the petitioner has filed the present writ petition before this court.

5. Considering the limited relief sought for by the petitioner, there shall be a direction to the second respondent to consider the representation made by the petitioner dated 08.01.2016 which has also been forwarded by the first respondent by his letter dated 19.01.2016, in accordance with law within a period of two weeks from the date of receipt of copy of this order.

6. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Additional Director General of Police
Office of the Inspector General of Police
Chennai -8

2. The Superintendent of Police
Central Prison
Madurai.

+1cc to Mr.C.M.Arumugam, Advocate Sr.No.85821

AAV

VB/RSK/SAR4/08.10.2018/2P/4C

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