

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice M.NIRMAL KUMAR

H.C.P.No.2705 of 2015

T.Kalavathi ... Petitioner

Vs

- 1.The State of Tamil Nadu
rep. by the Secretary to Government,
Home, Prohibition and Excise
Department, Secretariat,
Chennai - 9.
 - 2.The Additional Director General
of Police and Inspector
General of Prisons,
Gandhi Irwin Road, Egmore,
Chennai - 8.
 - 3.The Superintendent of Prison,
Central Prison I, Puzhal,
Chennai - 66.
- .. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, directing the respondents to produce the petitioner's son namely Appu, S/o.Thambiraj, Life Convict C.T.No.614, now confined in the Central Prison I, Puzhal, Chennai - 66 before this Court and direct the respondents to consider the petitioner's son immediately under G.O.Ms.No.1155 Home Prison IV Department dated 11.09.2008 for premature release and set him at liberty.

For Petitioner .. Mr.P.Pugalenth

For Respondents.. Mr.C.Iyyappa Raj,
Addl. Public Prosecutor

ORDER

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

Seeking premature release of Appu, S/o.Thambiraj, Life Convict C.T.No.614, based upon the Government Order passed in G.O.Ms.No.1155 Home Prison IV Department dated 11.09.2008, the present Habeas Corpus Petition has been filed.

2.We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3.The learned Additional Public Prosecutor, on instructions, submitted that on the relevant day, the Life Convict was not eligible to be considered for premature release.

4.The learned counsel appearing for the petitioner submitted that in view of the subsequent Government Orders, the Life Convict is entitled for premature release.

5.We are not inclined to go into the said issue. If the Life Convict is entitled to be released, then, certainly the respondents can consider it in tune with the Government Orders in vogue. Suffice it to state that the prayer as sought for no longer survives since there is no material available on record to show that he is eligible to be considered as per G.O.Ms.No.1155 Home Prison IV Department dated 11.09.2008.

6.Accordingly, the Habeas Corpus Petition stands dismissed with the observation that it is always open to the respondents to consider the premature release of the Life Convict as per the existing Government Order, if he is otherwise eligible.

Sd/-

सत्यमेव जयते
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Secretary to Government,
Home, Prohibition and Excise
Department, Secretariat,
Chennai - 9.

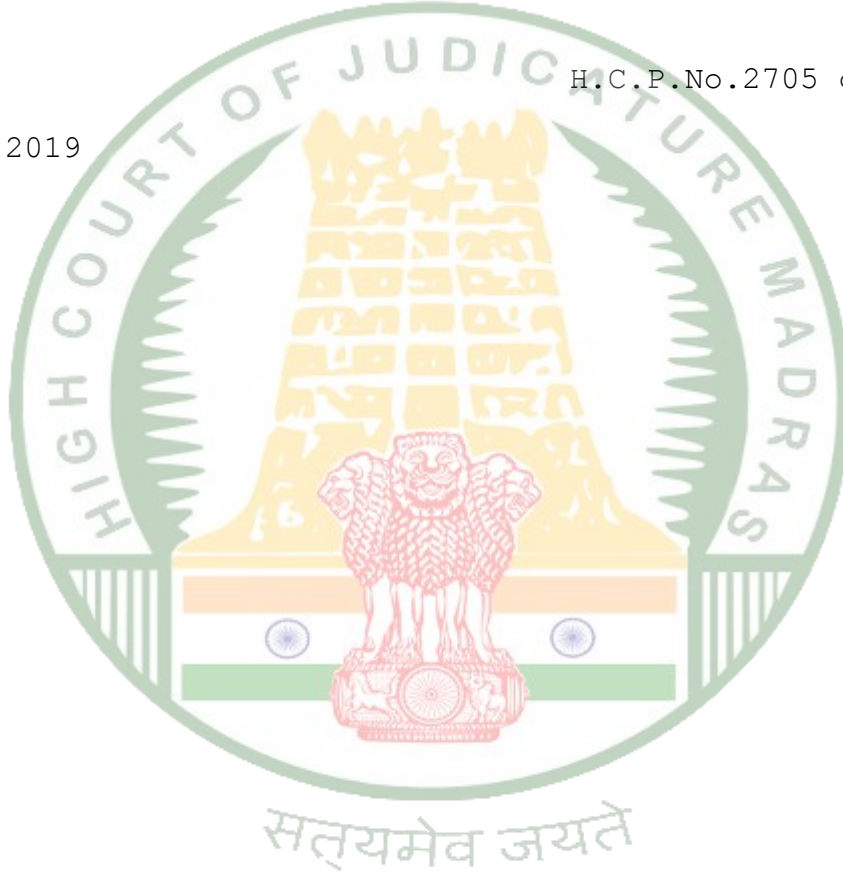
2.The Additional Director General
of Police and Inspector
General of Prisons,
Gandhi Irwin Road, Egmore,
Chennai - 8.

3.The Superintendent of Prison,
Central Prison I, Puzhal,
Chennai - 66.

4.The Public Prosecutor,
High Court, Madras.

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CSL/05.07.2019



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