

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2019

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.1836 of 2019

Rajan @ Soundarajan

...Petitioner

Vs.

1. State of Tamil Nadu,
Public (Strictly Confidential) Department,
Secretariat, Chennai - 600 009,
rep. by its Deputy Secretary.
2. State rep. by
The Inspector of Police,
Q- Branch Police (Crime Investigation),
Nagapattinam,
Cr.No.1 of 2012.
3. The Superintendent of Police,
Central prison,
Puzhal,
Chennai - 600 066.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to direct the respondents to include the period of detention of the petitioner spent in the various closed special camps and calculate the remission of sentence awarded to the petitioner in S.C.No.78 of 2012 on the file of the Assistant Sessions Judge, Nagapattinam dated 31.07.2013.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for direction to the third respondent to consider the representation made by the petitioner dated 19.12.2018, seeking for remission of sentence.

2. The petitioner was arrested in Crime No.1 of 2012 and after trial, was convicted in S.C.No.78 of 2012 by Judgment, dated 31.07.2013 and sentenced to undergo ten years imprisonment. This Judgment was confirmed by this Court in Crl.A.No.709 of 2013, by the Judgment dated 26.09.2016 and the petitioner is undergoing imprisonment at Puzhal Central Prison, Chennai.

3. Mr.S.Doraisamy, the learned counsel for the petitioner would submit that the petitioner was lodged in the special camp initially from 04.04.2012 to 18.06.2013. Thereafter, he was transferred to another special camp at Trichirappalli and was kept as inmate from 19.06.2013 to 31.07.2013. After the petitioner was convicted, he has been serving the sentence at Puzhal Central Prison, Chennai.

4. The learned counsel for the petitioner would further submit that the detention in the Special camps as well as the detention in the prison as an under trial prisoner has to be taken into consideration for the purpose of considering the remission of the petitioner. The learned counsel for the petitioner would also submit that the petitioner had made a detailed representation to the third respondent on 19.12.2018 requesting the third respondent to set off the entire period and to consider the remission of the petitioner. Since no action has been taken in that representation, the present petition has been filed before this Court.

5. The learned Additional Public Prosecutor would submit that the third respondent will consider the representation in accordance with law.

6. On considering the facts and circumstances of the case, there shall be a direction to the third respondent to consider the representation dated 19.12.2018 made by the petitioner in line with the provisions of Criminal Procedure Code and also in line with the judgment of this Court in State by The Inspector of Police, Tharamangalam Police Station, Salem District Vs. Karikalan @ Mariyanesan, CDJ 2009 MHC 4275., and pass necessary orders within a period of four weeks from the date of receipt of copy of this order.

7. This Criminal Original Petition is disposed of , with the above directions.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

msrm/vsa

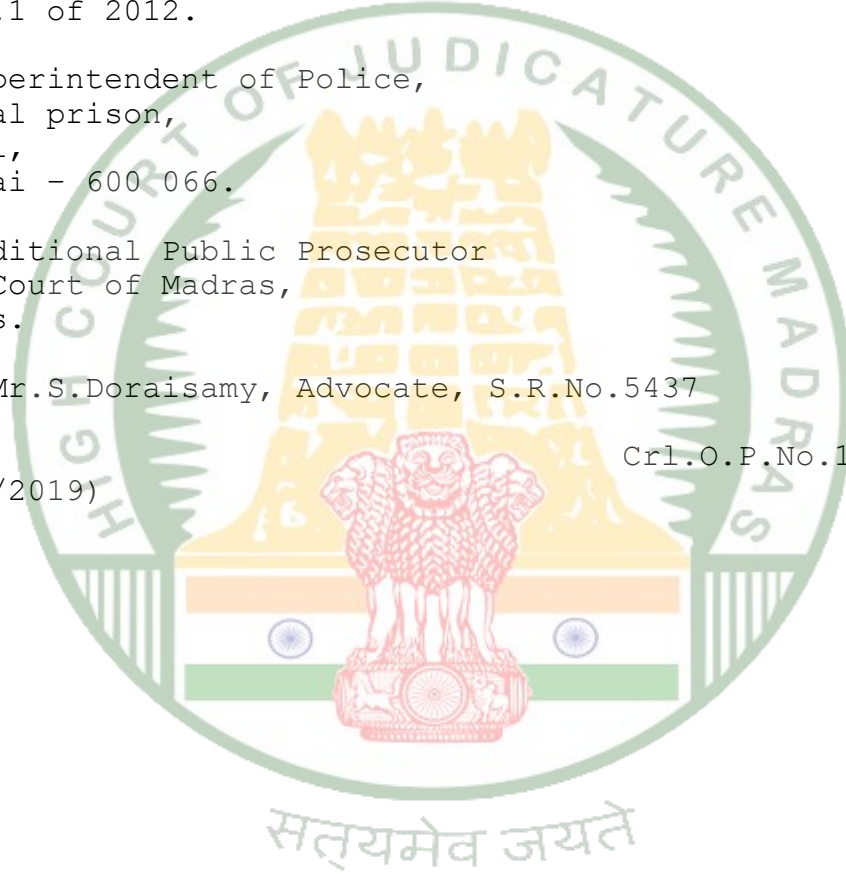
To

1. The Assistant Sessions Judge,
Nagapattinam.
2. The Deputy Secretary
Public (Strictly Confidential) Department,
Secretariat, Chennai - 600 009,
3. The Inspector of Police,
Q- Branch Police (Crime Investigation),
Nagapattinam,
Cr.No.1 of 2012.
4. The Superintendent of Police,
Central prison,
Puzhal,
Chennai - 600 066.
5. The Additional Public Prosecutor
High Court of Madras,
Madras.

+1 cc to Mr.S.Doraisamy, Advocate, S.R.No.5437

SSM(12/02/2019)

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