

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.02.2019

CORAM:
THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

H.C.P.No.266 of 2019

N.Bhuvaneshwari
W/o.Natarajan

...Petitioner

-Vs-

1.The State of Tamil Nadu
represented by its
Principal Secretary to Government,
Home [Prison] Department,
Tamil Nadu Government Chief Secretariat,
Fort Saint George, Chennai - 600009.

2.The Additional Director General of Police/
IG of Prisons,
CMDA, Towers II, No.1,
Gandhi Irvin Road, Egmore,
Chennai - 600008.

3.The Superintendent,
Central Prison,
Salem, Tamil Nadu.

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing respondents to consider the representation dated 19.09.2018 in the light of G.O.Ms.No.64, Home (Prison-IV) Department dated 01.02.2018 and direct the respondents to produce the detenu Nagarajan @ Kozhai Nagarajan, S/o.Mariyappan, aged about 52 years, Convict No.CT.8161, now confined at Central Prison, Salem District and prematurely release him.

For Petitioner : Mr.S.Ananthanarayanan
Senior Counsel
for M/s.Ilayaraja Kandasamy

For Respondents: Mr.R.Pratap Kumar
Additional Public Prosecutor

O R D E R
[Order of the Court was made by C.T.SELVAM, J]

Petitioner seeks a direction to respondents to consider the representation dated 19.09.2018 in the light of G.O.Ms.No.64, Home (Prison-IV) Department dated 01.02.2018 and direct respondents to produce the detenu Nagarajan @ Kozhai Nagarajan, S/o.Mariyappan, aged about 52 years, Convict No.CT.8161, now confined at Central Prison, Salem District and prematurely release him.

2. Petitioner's husband faced trial in S.C.No.34 of 1999 on the file of learned I Additional District and Sessions Judge, Salem. He was convicted for offense u/s.302 IPC and sentenced to life imprisonment. The appeal preferred by petitioner's husband in CrI.A.No.140 of 2005 before this Court came to be dismissed under judgment dated 01.02.2007. Petitioner's husband has been in prison for 20 years. Seeking premature release, petitioner's husband submitted a representation dated 19.09.2018 to respondents and the same is yet to be considered. Hence, the present petition.

3. Heard learned senior counsel for petitioner and learned Additional Public Prosecutor for respondents.

4. Learned senior counsel for petitioner submits that a representation towards release of the convict prisoner under G.O.Ms.No.64, Home (Prison-IV) Department dated 01.02.2018 has been made on 19.09.2018 and the same is yet to be disposed of by authorities. Learned senior counsel adds that the convict prisoner is entitled to relief thereunder.

5. Learned Additional Public Prosecutor submits that the convict prisoner is an under trial prisoner also in respect of another case. Learned senior counsel for petitioner joins issue informing that such is not a bar to grant of relief under G.O.Ms.No.64, Home (Prison-IV) Department dated 01.02.2018.

6. Considering the rival submissions, this Court directs respondents to consider the representation of petitioner's husband dated 19.09.2018 and dispose of the same within a period of two weeks from the date of receipt of a copy of this order.

The Habeas Corpus Petition, accordingly, is disposed of.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Principal Secretary to Government,
Home [Prison] Department,
Tamil Nadu Government Chief Secretariat,
Fort Saint George, Chennai - 600009.

2.The Additional Director General of Police/
IG of Prisons,
CMDA, Towers II, No.1,
Gandhi Irvin Road, Egmore,
Chennai - 600008.

3.The Superintendent,
Central Prison,
Salem, Tamil Nadu.

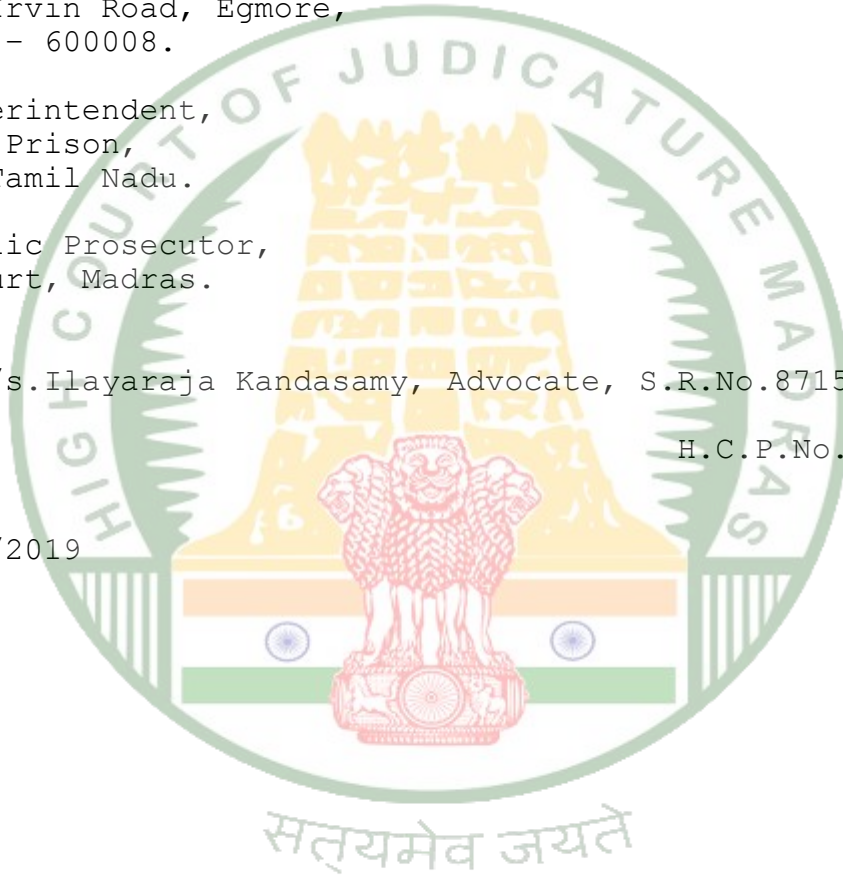
4.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Ilayaraja Kandasamy, Advocate, S.R.No.8715

H.C.P.No.266 of 2019

AK(CO)

rrs 05/02/2019



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