

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP.No.3673 of 2018

T.Ahamed Batsha

.. Petitioner

V.

1.The State of Tamilnadu,
Rep.by its Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Chennai-600 009.

2.The Additional Director General of Police &
Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai- 600 008.

3.The Superintendent of Prison,
Central Prison,
Salem - 636 001.

..Respondents

PRAYER: This Writ Petition has been filed under Article 226 Constitution of India praying to issue a writ of mandamus to direct the 3rd respondent to consider the petitioner's wife representation dated 06.02.2018 for seeking premature release of the petitioner detainee Ahamed Batsha, S/o,Thiyagarajan, aged about-44 years.

For Petitioner

: M/s.M.Mohamed Saifulla
for J.Stalin

For Respondents

: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This writ petition has been filed seeking for a direction to the respondents to consider the representation made by the petitioner seeking for premature release in accordance with G.O.Ms.No.64 dated 01.02.2018.

2. The petitioner is a life convict and has undergone imprisonment for more than 10 years. The wife of the petitioner has made a representation to the respondents to consider the premature release of the petitioner in accordance with G.O.Ms.No.64 dated 01.02.2018. Since the same has not been considered, the present writ petition has been filed before this Court seeking for appropriate direction.

3. The learned Additional Public Prosecutor on instructions would submit that the representation will be considered by the 2nd and 3rd respondents and a detailed report will be prepared in accordance with G.O.Ms.No.64 dated 01.02.2018 and the same will be placed before the 1st respondent, who will consider the same and submit his recommendation before "His Excellency the Governor of Tamil Nadu", if the petitioner is going to be considered for a premature release.

4. This Court has carefully considered the submissions made on either

side and also the materials placed on record.

5. The wife of the petitioner has made a representation dated 06.02.2018. This representation shall be considered by the 2nd and 3rd respondents strictly in accordance with the guidelines given in G.O.Ms.No.64 dated 01.02.2018 and a report shall be placed before the 1st respondent within a period of four weeks from the date of receipt of a copy of this Order. On receipt of the report, the 1st respondent shall take a decision within a period of eight weeks, thereafter.

5.This writ Petition is disposed of with the above directions.

07.01.2019

Speaking Order/Non Speaking Order

Index:Yes/No

Internet:Yes/No

stm/rka

To

1.The State of Tamilnadu,
Rep.by its Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Chennai-600 009.

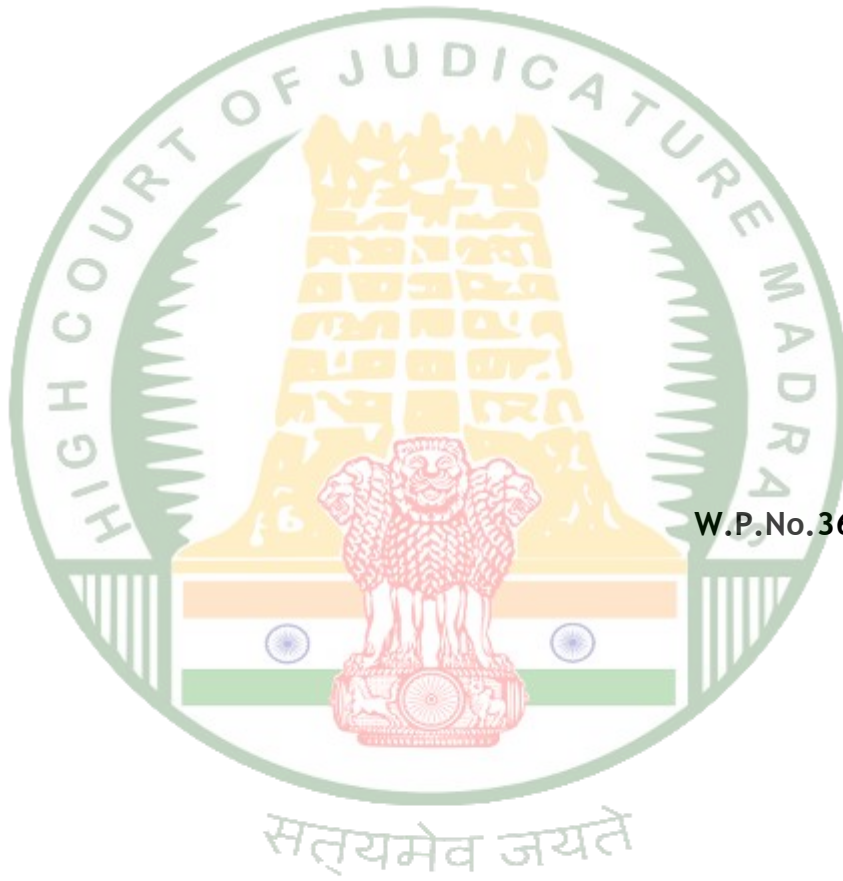
2.The Additional Director General of Police &
Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai- 600 008.

3.The Superintendent of Prison,
Central Prison,
Salem - 636 001.

4.The Public Prosecutor,High Court, Madras.

N.ANAND VENKATESH, J.

stm/rka



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