

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2019

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.8048 of 2016

Subair

...Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by the Secretary to Government
Home, Prison-V Department
Secretariat
Chennai 600 009

2. The Superintendent of Prisons
Central Prison
Coimbatore

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records in the order in G.O.(D).No.819 Home (Prison-V) Department dated 17.11.2015 passed by the respondent-1 and quashing the same, and directing the respondents to release the petitioner on ordinary leave for one month.

For Petitioner : Mr.P.Pugalenth

For Respondents : Mr.Mohammed Riyaz
Addl. Public Prosecutor

O R D E R

The Writ Petition has been filed by the petitioner under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records in the order in G.O.(D).No.819 Home (Prison-V) Department dated 17.11.2015 passed by the respondent-1 and quashing the same, and directing the respondents to release the petitioner on ordinary leave for one month.

2.The learned counsel for the petitioner would submit that the petitioner was arrested during the year 1998 for the offence punishable under Section 307, 302 IPC and Section 3 of Explosive

Substances Act. After the trial, the learned Bomb Blast Court Judge, Coimbatore had convicted and sentenced the petitioner to life imprisonment.

3.The learned counsel for the petitioner would further submit that he had already undergone more than 17 years of actual imprisonment as a life convict and has become eligible for premature release under the Advisory Board Scheme, but, the same was not considered by the respondents. The learned counsel would further submit that the petitioner has property within the Coimbatore City limit and as his mother died on 27.10.2008, some disputes with regard to partition of the said property has arisen, for which, the petitioner is required to be at his native place and therefore on 24.12.2014 sent an application to the 1st respondent for granting one month leave and the same was rejected by the 1st respondent vide his order in G.O.(D) No.819, Home (Prison-V) Department dated 17.11.2015 on the ground that there is a serious threat to the petitioner's life and there is law and order problem as reported by the Probation Officer and the Commissioner of Police, Coimbatore. Hence, this petition.

4.The learned Additional Public Prosecutor appearing for the respondents would submit that the 1st respondent has rejected the petition filed by the Life Convict Prisoner No.3243, Subair, S/o.Sheikmoideen confined in Central Prison, Coimbatore on the ground that the Probation Officer and the Commissioner of Police, Coimbatore had reported that there is a life threat to the prisoner and there are chances of law and order problem during his leave period. Accordingly, prays for dismissal of the same.

5.Considering the submissions made by the learned Additional Public Prosecutor, this Court finds no infirmity or illegality in the order passed by the State of Tamil Nadu, Home, (Prison-V) Department, Secretariat, Chennai 600 009 in G.O.(D) No.819 dated 17.11.2015.

6.Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

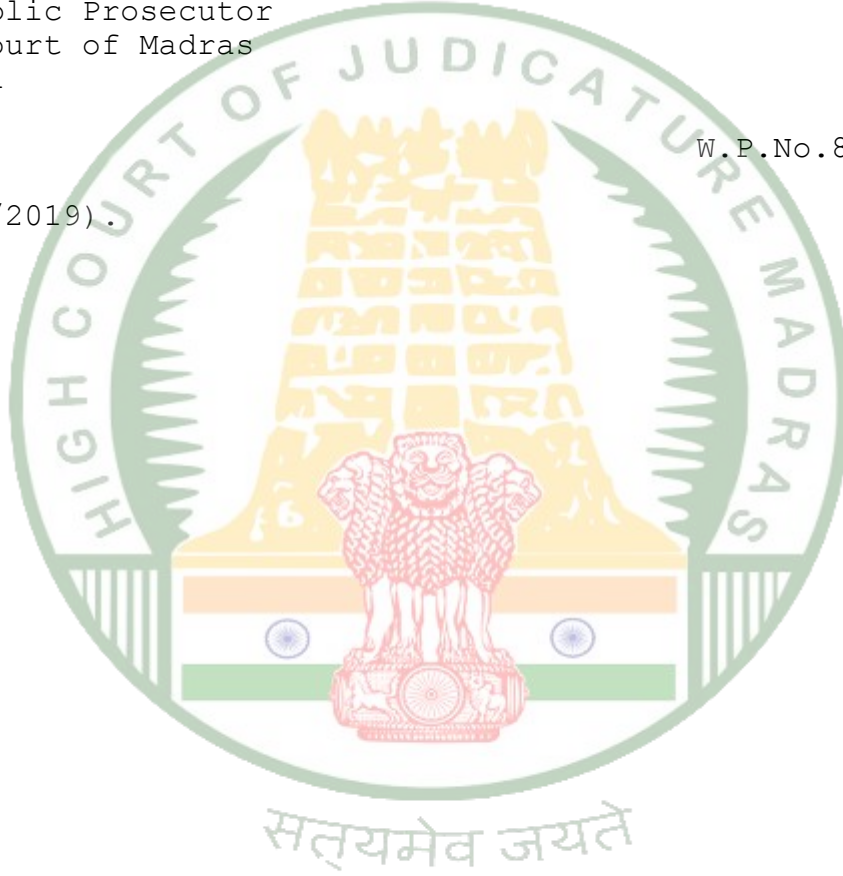
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To

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MG(CO)
SSM(19/03/2019).



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