

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27..06..2019
CORAM

The Honourable Mr Justice M.M.SUNDRESH
and
The Honourable Mr Justice M. NIRMAL KUMAR

Habeas Corpus Petition No.2107 of 2018

M.Vikramadhithan

... Petitioner

-Versus-

- 1.The Union Territory of Puducherry,
Rep. by The Chief Secretary,
Secretariat,
Puducherry Union,
Puducherry.
- 2.The Inspector General of Prisons,
Government of Puducherry,
Jail Department, Puducherry.
- 3.The Superintendent of Prison,
Central Prison,
Kalapattu, Puducherry.

.... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to produce the petitioner's father, namely, Karuna @ Majoharan , Son of Subramani, aged about 50 years, now confined at Central Prison, Kalapattu, Puducherry, before this court and for a direction to the respondents to consider his case under the Rules 329, 330 and 334 of The Puducherry Prison Rules, 1969 for premature release and set him at liberty.

For Petitioner : Mr.P.Pugalanthi

For Respondents : Mr.D.Bharatha Chakaravarthy,
Public Prosecutor
(Puducherry)

ORDER

[Order of the court was made by Justice M.M.SUNDRESH]

The sum and substance of the grievance of the petitioner is that despite having been in incarceration for more than 19 years, the detenu's case has not been considered, though all other convicts have been released prematurely.

2. The learned Government Advocate would submit that consideration could not be made in view of the pendency of the proceedings before this court. However, now, it has been clarified by the Division Bench of this Court that there is no impediment to consider the case of the other accused such as the detenu.

3. In such view of the matter, we direct the 1st respondent to constitute the State Level Advisory Committee and to consider the case of the detenu for release prematurely within a period of six weeks from the date of receipt of a copy of this order. This Habeas Corpus Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

- 1.The Chief Secretary, Secretariat, Puducherry Union, Puducherry.
- 2.The Inspector General of Prisons, Government of Puducherry, Jail Department, Puducherry.
- 3.The Superintendent of Prison, Central Prison, Kalapattu, Puducherry.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Thamaraiselvan, Advocate sr.53399
+1cc to The Public Prosecutor, Puducherry sr.53614

H.C.P.No.2107 of 2018

nr 24/07/2019



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