

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2019

CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM
AND
THE HONOURABLE Mrs. JUSTICE S.RAMATHILAGAM

H.C.P.No.2790 of 2018

Pilavendran

... Petitioner/Detenuue

-Vs-

1. The State of Tamil Nadu
Rep. by Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Additional Director General of Police
and Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai-600 008.
3. The Superintendent of Prison,
Central Prison,
Vellore.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to produce the petitioner namely Pilavendran, Son of Chinnaamy, aged about 62 years, Life Convict No.3218, confined in the Central Prison, Vellore before this Court and set him at liberty.

For Petitioner : Mr.P.Pugalenth

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

ORDER

[Order of the Court was made by C.T.SELVAM, J.]

Petitioner, who is the Life Convict Prisoner (Convict No.3218, housed in Central Prison, Vellore), S/o.Chinnaamy, has moved the present petition seeking relief under G.O.(Ms)

No.1155, Home (Prison-IV) Department dated 11.09.2008.

2. Heard learned counsel for petitioner, as also learned Additional Public Prosecutor for respondents.

3. Convict prisoner faced trial in S.C.No.56 of 1987 on the file of learned District and Sessions Judge, Krishnagiri District. Trial Court convicted him u/s 302, 201, 316 & 498-A IPC and sentenced him to Life Imprisonment for offence u/s 302 IPC and 5 years R.I for offence u/s 201 & 316 IPC and 2 years R.I for offence u/s 498-A IPC.

4. Petitioner has made a representation to the first respondent informing the application of G.O.(Ms).No.1155, Home (Prison-IV) Department dated 11.09.2008 and seeking relief thereunder. The said representation has been rejected by the third respondent in his proceedings dated 11.12.2018.

5. A perusal of the proceedings reveals that the reason informed by the third respondent is that the convict prisoner was convicted for offence u/s 498(A) IPC and as such he is ineligible under the said G.O.(Ms).No.1155.

6. This Court has, in HCP No.3333 of 2013 considered a similar case and under orders dated 22.01.2014 granted relief informing the exclusion of person attracting offence punishable under Section 498-A IPC from release under the said G.O.(Ms). No.1155 to be erroneous. Following the same, this Court would consider it appropriate to allow this Habeas Corpus Petition.

7. Accordingly, this Habeas Corpus Petition shall stand allowed. The detenu viz., Pilavendran (Convict No.3218 housed in Central Prison, Vellore), S/o.Chinnasamy, aged 62 years is directed to be released forthwith in terms of G.O.Ms.No.1155 Home [Prison-IV] Department dated 11.09.2008 unless his presence is required in any other case.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

kmi

To:

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Additional Director General of Police
and Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai-600 008.
3. The Superintendent of Prison,
Central Prison,
Vellore.
4. The District Collector, Vellore.
5. The Director General of Police, Chennai.

6.The Public Prosecutor, High Court, Madras.

+1cc to Mr.P.Pugalenthir, Advocate SR.No.4061

H.C.P.No.2790 of 2018

RV(CO)
GMY(01/03/2019)



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