

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 12.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN**AND****THE HONOURABLE MR.JUSTICE B.PUGALENDHI****H.C.P(MD)No.369 of 2018**

Thangam

... Petitioner

Vs.

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

2. The Additional Director General of Police
and I.G., of Prisons,
Gandhi Irvin Road, Egmore,
Chennai-600 008.

3. The Superintendent of Prison,
Central Prison, Madurai.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the third respondent to produce the petitioner's son namely P.Malaisamy, (aged about 48 years), S/o. Pandi, Life Convict, confined in Central Prison, Madurai before this Court and directing the respondents to consider the petitioner's son immediately under the provisions of G.O.(Ms) No.1155/Home (Prison IV) Department/2008, dated 11.09.2008 for premature release and set him at liberty.

For Petitioner : Mr.J.Sivaram

For Respondents : Mr.K.Chellapandian
Additional Advocate General, assisted by
Mr.K.Dinesh Babu
Additional Public Prosecutor

**ORDER****(Order of the Court was made by M.SATHYANARAYANAN, J)**

The petitioner is the mother of the detenu, who faced the trial for the commission of offence under Section 302 I.P.C. and he was convicted and sentenced by I Additional District and Sessions Judge - cum - Judicial Magistrate, Madurai and accordingly, he preferred an appeal before this Court and the same was also ended in dismissal. The detenu, Challenging the legality of conviction and sentence passed by the trial Court, which was confirmed by this Court, has filed an appeal before the Honourable Supreme Court of India in C.A.No.1932 of 2010 and vide judgment dated 23.01.2019, he was acquitted by the Honourable Supreme Court of India.

2. In the light of the above said development, nothing survives for further adjudication in this Habeas Corpus Petition and therefore, it is dismissed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

Ssl

To

1. The Secretary to Government,
State of Tamilnadu,
Home Prohibition & Excise Department,
Fort St.George, Secretariat, Chennai-600 009.
2. The Additional Director General of Police
and I.G., of Prisons,
Gandhi Irvin Road, Egmore, Chennai-600 008.
3. The Superintendent of Prison,
Central Prison, Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

H.C.P(MD)No.369 of 2018**12.06.2019**