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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2019

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.1059 of 2013

R.S.Kumaresan

... Petitioner

Vs.

1.The State represented by
the Principal Secretary to the Government,
Home (Prison) Department,
St.Fort George,
Chennai-9.

2.The Additional DGP/IG of Prison,
C.M.D.A. Towers II,
No.I, Gandhi Irvin Road,
Egmore, Chennai-8.

3.The Superintendent,
Central Prison,
Madurai.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to set the petitioner Kumaresan, S/o Srinivasa Naidu, conviction No.3898, confined at Central Prison, Madurai, to be at liberty under G.O.(Ms)No.1155/Home (Pri IV) Department/2008, dated 11.09.2008 as amended by G.O.(Ms) No.1121/Home (Pri IV) Department/2009, dated 24.12.2009.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.K.Chellapandian

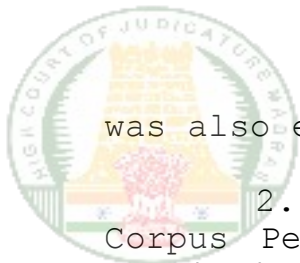
Additional Advocate General, assisted by
Mr.K.Dinesh Babu

Additional Public Prosecutor

ORDER

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

The detenu himself is the petitioner and he faced the trial for the commission of offence of murder in S.C.No.226 of 1986, on the file of I Additional Sessions Court, Tirunelveli and he was convicted and sentenced accordingly and in the appeal preferred by him in C.A.No.527 of 1990 before this Court was also came to be dismissed vide judgment dated 02.12.1999 and a Special Leave Petition (Criminal), challenging the legality of the said judgment,



was also ended in dismissal.

2. The petitioner/detenu came forward to file this Habeas Corpus Petition stating among other things that pursuant to the conviction and sentence awarded, as confirmed by this Court as well as by the Honourable Apex Court, he is incarcerated for nearly 22 years and he is entitled to the benefit and benevolence of G.O.Ms.No.1155, dated 11.09.2008.

3. The first respondent has filed a counter affidavit.

4. Heard the submissions of the learned Counsel appearing for the petitioner and the learned Additional Advocate General appearing for the State and he would state that in terms of G.O. (Ms) No.2135, Home (Prison -IV) Department, dated 29.10.2018, the detenu has been released prematurely subject to certain conditions.

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

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Principal Secretary to the Government,
Home (Prison) Department,
St.Fort George, Chennai-9.
- 2.The Additional DGP/IG of Prison,
C.M.D.A. Towers II,
No.I, Gandhi Irvin Road,
Egmore, Chennai-8.
- 3.The Superintendent,
Central Prison, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

H.C.P(MD)No.1059 of 2013

12.06.2019

AL(CO)

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