

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.38973 of 2013

ORDER:

There is no representation on behalf of the petitioner.

2. The prayer sought in the writ petition is as under:-

“...to issue a writ or order or direction more particularly one in the nature of writ of mandamus, declaring that the case of the convict Seelam Pitchaiah (Convict No.324) S/o.Veeraiah serving out his sentence in the 2nd respondent i.e., Sub Jail, Khammam, is not hit by the para 5 clause iii or any other clause of the G.O.Ms.No.220 Home (Parole) Department dated 28.09.2013, passed by the respondent No.1 and it is further consequentially prayed that this Hon’ble Court may be pleased to direct the respondent No.1 to forth release the convict Seelam Pitchaiah (Convict No.324) serving out his life imprisonment in the 2nd respondent i.e., Sub Jail, Khammam and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

3. The 2nd respondent filed counter-affidavit denying the material allegations made in the affidavit filed in support of the writ petition and contended *inter alia* that Convict Prisoner No.324 (Seelam Pitchaiah) was released from the Sub Jail, Khammam on 12.08.2009 for (30) days parole, vide G.O.Rt.No.1370, Home (Prisons.C) Department, dated 06.08.2009, and his due date of surrender was 12.09.2009. But, the said prisoner was surrendered himself on 13.09.2009 instead of 12.09.2009 after overstay of one day. As per Rule 973 of Andhra Pradesh Prison Rules, 1979, the prisoner was punished with cutoff of (5) days remission from his credit. The case of convict prisoner No.324 (Seelam Pitchaiah) was not considered for special remission as per the guidelines at para No.4(x) of G.O.Ms.No.283, Home (Prisons.C) Department, dated 30.10.2010, on

the ground that he has overstayed on parole. It is also mentioned in the counter-affidavit that the State Government have issued certain guidelines for grant of special remission on the occasion of 2nd October, 2013, vide G.O.Ms.No.220, Home (Parole) Department, dated 28.09.2013, to certain categories of life convicted prisoners, who have been convicted for the offences against laws relating to the matters to which the executive power of the State extends. The allegation of the petitioner that he was not released as per clause 5(iii) of the guidelines issued in G.O.Ms.No.220, Home (Parole) Department, dated 28.09.2013, is absolutely incorrect, since the convict prisoner No.324, Seelam Pitchaiah, was not considered for grant of special remission, as he was involved in the murder of a public servant on duty. The convict prisoner killed Gurram Venkataramaiah, who was a Sarpanch and public servant of Kaikondaigudem Village of Khammam District. In fact, as per the guidelines issued by the 1st respondent in G.O.Ms.No.220, Home (Parole) Department, dated 28.09.2013, no prisoner convicted for murder of public servant on duty can be extended the benefit under the G.O. Therefore, the said convict prisoner No.324, Seelam Pitchaiah, is not eligible for grant of special remission as per the guidelines issued by the G.O.Ms.No.220, dated 28.09.2013.

4. Though a detailed counter-affidavit is filed, to rebut the said allegations, no reply affidavit is filed. Therefore, contentions raised in the counter-affidavit goes un-rebutted and binding on the petitioner.

5. In that view of the matter, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

P. KESHA VA RAO, J

30th December 2019

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