

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2020

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.7963 of 2020

N.Sarojini

.. Petitioner

Vs.

1.The State of Tamil Nadu
rep. by Additional Chief Secretary to Government,
Department of Home (Prison IV),
Fort St. George, Chennai-600 009.

2.The Additional Director General of Police/
Inspector General of Prisons,
Egmore, Chennai-600 008.

3.The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to consider the representation dated 18.02.2019 for premature release of the petitioner's son in the light of G.O.Ms.No.64, dated 01.02.2018, passed by the first respondent, direct the respondents to release him without any further delay.

* * *

For Petitioner : Mr.G.Ravikumar

For Respondents: Mrs.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

(Order of the Court was passed by T.S.SIVAGNANAM, J.)

This writ petition has been filed by the mother of the life convict to direct the respondents to consider her representation dated 18.02.2019 for premature release of her son - the life convict, by applying G.O.Ms.No.64, Home (Prison-IV) Department, dated 01.02.2018.

2. Heard Mr.G.Ravikumar, learned counsel for the petitioner and Ms.Prabhavathi, learned Additional Public Prosecutor for the respondents.

3. The petitioner would state that her son Hariharan @ Hari is confined to the Central Prison, Cuddalore, for the past 19 years having been convicted by the Sessions Court, Chennai, in S.C.No.87 of 2003 and S.C.No.206 of 2003. The conviction and sentence were confirmed by this Court in Crl.A.No.716 of 2004 dated 06.10.2007 and Crl.A.No.715 of 2004 dated 21.11.2008. The petitioner would state that her son is entitled to the premature release by applying the Government Order in G.O.Ms.No.64, dated 01.02.2018.

4. It is submitted by the learned counsel for the petitioner that when the other co-accused by name Samikannu was prematurely, by applying the said G.O., in June 2018 there is no reason for the respondents to deny the benefit of the G.O. to the petitioner's son.

5. The learned Additional Public Prosecutor would submit that a detailed report is required to be called for to examine as to whether the petitioner's son's case can be considered.

6. Since we are not taking a decision on the merits of the matter, but are only inclined to direct the first respondent to consider the representation, we are of the opinion that the writ petition can be disposed of, by directing the first respondent to consider the representation within a time-frame.

7. In the result, the writ petition is disposed of, by directing the first respondent to consider the petitioner's representation dated 18.02.2019 for premature release of her son, by applying G.O.Ms.No.64, dated 01.02.2018, on merits and in accordance with law within a period of three months from the

date, on which a copy of this order is received by the first respondent.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

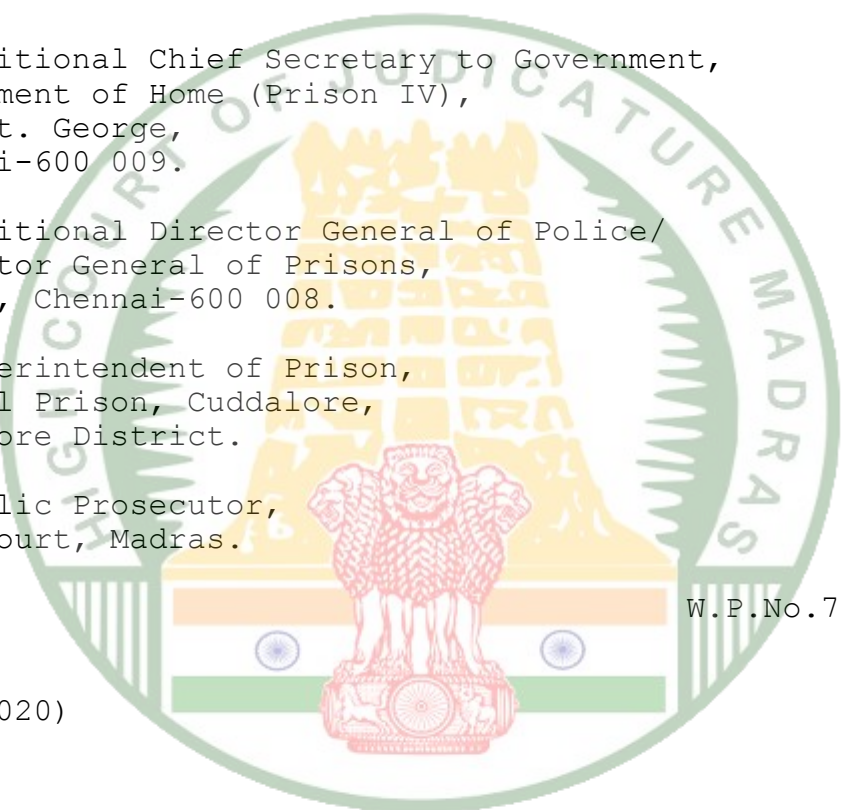
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To

1. The Additional Chief Secretary to Government,
Department of Home (Prison IV),
Fort St. George,
Chennai-600 009.
2. The Additional Director General of Police/
Inspector General of Prisons,
Egmore, Chennai-600 008.
3. The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.
4. The Public Prosecutor,
High Court, Madras.

W.P.No.7963 of 2020

VG-I (CO)
CB (23/09/2020)

The seal of the Madras High Court is a circular emblem. It features a central illustration of the Lion Capital of Ashoka, which is a four-lion capital standing on a base. The capital is set against a background of a yellow and orange striped field. The entire emblem is encircled by a green border containing the text 'HONORABLE JUDICATURE MADRAS' in white capital letters. Below the emblem, the Sanskrit motto 'सत्यमेव जयते' (Satyameva Jayate) is written in Devanagari script.

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