

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Writ Petition No.25426 of 2019

N.Parvathi

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary,
Home (Prison IV) Department,
Fort St. George,
Chennai.

2.The Inspector General of Police,
Prisons Department,
Whannels Road,
Egmore,
Chennai - 600 008.

3.The Superintendent of Prisons,
Cuddalore Prison,
Cuddalore.

... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India for a Writ of Certiorarified Mandamus to call for the records of the proceedings in G.O.(D) No.834 dated 26.07.2019 and to quash the same as illegal and without jurisdiction and to consequently direct the respondents to consider the petitioner's representation dated 13.02.2018 afresh.

For Petitioner : Mr.Sharath Chandran

For Respondents: Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

The Writ Petition has been filed to call for the records of the proceedings in G.O.(D) No.834 dated 26.07.2019 and to quash the same as illegal and without jurisdiction and to consequently direct the respondents to consider the petitioner's representation dated 13.02.2018 afresh.

2.The learned Additional Public Prosecutor would submit that the request of the petitioner was rejected, which was made for her son, who is a convict prisoner No.13263-

Saravanan, S/o Late Natesan, has completed only 9 years and 6 months and 14 days of imprisonment as on 30.11.2018. Since the son of the petitioner did not complete his 10 years actual imprisonment, and as such the pre-mature release cannot be considered as per the guidelines framed in G.O.(Ms).No.64, Home (Prison-IV) Department, dated 01.02.2018. Now, the petitioner's son has completed the 10 years of imprisonment.

3.Considering the above submission made by the learned Additional Public Prosecutor, now the petitioner's son - Saravanan, S/o Late Natesan, life convict No.13263 has completed his 10 years of actual imprisonment. Therefore, now, the G.O.(Ms).No.64, Home (Prison-IV) Department, dated 01.02.2018 is applicable for his pre-mature release. Therefore, the petitioner is directed to submit a fresh representation to the 1st respondent forthwith for release of her son. On receipt of the same, the 1st respondent is directed to consider the representation of the petitioner, in view of the guidelines issued in G.O.(Ms).No.64, Home (Prison-IV) Department, dated 01.02.2018 within a period of two weeks from the date on which the representation was received. With the above direction, the Writ Petition is disposed of.

Sd/-

Assistant Registrar (Writ)

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Sub Assistant Registrar

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To

1. The Secretary,
Government of Tamil Nadu,
Home (Prison IV) Department,
Fort St. George, Chennai.

2.The Inspector General of Police,
Prisons Department,
Whannels Road, Egmore,
Chennai - 600 008.

3.The Superintendent of Prisons,
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