

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 2493 of 2018
and Crl.M.P.No. 5239 of 2020

S.Muthuraman ... Petitioner

-vs-

1.The Home Secretary,
Home Department,
Secretariat, Fort St.George,
Chennai.

2.The Superintendent of Police,
Central Prison, Coimbatore. ... Respondents

Petition filed under Article 226 of the Constitution of India to praying to issue a writ of habeas corpus directing the respondents to produce the petitioner's father namely, Saravanan, son of S.Muthuraman, life convict, (CT No.:19259) aged about 45 years, now confined in the Central Prison, Coimbatore before this Court and directing the respondents to consider him under G.O.Ms.No.64, Home Prison IV, Department, dated 01.02.2018, page 6(Para IV) for premature and set him at liberty.

For Petitioner : Mr.M.Saravana Kumar

For Respondents : Mr.R.Prathap Kumar,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

This habeas corpus petition has been filed by the petitioner, who is the son of the convict, seeking premature release, placing reliance upon the Government Order in G.O.(Ms). No. 64, Home (Prison-IV) Department, dated 01.02.2018 as amended in G.O.(Ms).No. 302, Home (Prison-IV) Department, dated 03.05.2018.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Though the habeas corpus petition filed is not maintainable in view of the recent decision of the Apex Court in Mariammal v. State of Tamil Nadu (Crl.A.No.865 of 2016 dated 08.09.2016) and other judgments, even on merit, we do not find any case in favour of the petitioner. The aforesaid Government Order as amended is not applicable to the other cases than the life convicts.

4. In such view of the matter, we do not find any merit in this habeas corpus petition and the same stands closed. However, liberty is given to the petitioner to approach this Court after making a representation seeking parole, if so advised. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

mmi/ssm

To

- 1.The Home Secretary,
Home Department,
Secretariat, Fort St. George,
Chennai.
- 2.The Superintendent of Police,
Central Prison,
Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.
- 4.The Joint Secretary,
Public (Law and order) Department,
Secretariat, Fort St George,
Chennai-600 009.

H.C.P. No. 2493 of 2018

LN(CO)
GMY(09/11/2020)