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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No. 22928 of 2019

B.Satheesh

... Petitioner

Vs

1.State represented by,

The Secretary to Government of Tamilnadu,
Department of Home,
Fort. St.George,
Chennai - 600 009.

2.The Additional Director General of Prison,
CMDA Towers,
Egmore,
Chennai-600 008.

3.The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to issue necessary direction to the 3rd respondent to effect the premature release of the petitioner's father namely T.Babu S/o.Thangappan (Convict No.LCVT 8442 (Palayamkottai) aged about 50 years by implementing the Government Order in G.O.(Ms)No.697 Home (Prison-IV) Department, dated 07.10.2015 on the basis of the petitioner's representation dated 20.08.2019.

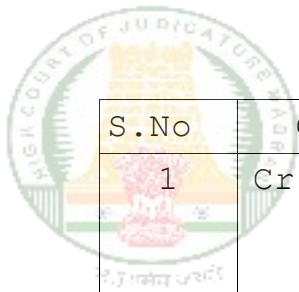
For Petitioner : Mr.P.Krishnasamy

For Respondents : Mrs.M.Ananthadevi
Government Advocate (Crl. Side)

ORDER

Heard the learned counsel on either side.

2.The petitioner's father was convicted in as many as three criminal cases. The conviction and sentence details of the petitioner's father are as under:-



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S.No	Crime No	Section	Conviction details
1	Cr.No.357 of 1984	U/s.392 r/w 397 of I.P.C.	To undergo RI for 7 years and to pay a fine of Rs.100/- in default to undergo RI for three months under Section 392 r/w 397 of I.P.C. (fine not paid).
2	Cr.No.326 of 1980	U/s.148, 450, 302 r/w. 149 and 307 of I.P.C	To pay a fine of Rs.500/- in default to undergo RI for 6 months U/s.148 of I.P.C. To undergo RI for three years and to pay a fine of Rs.100/- in default to undergo RI for 1 years for the offence under Section 450 of I.P.C. To undergo life imprisonment and to pay a fine of Rs.1,000/- in default to undergo RI for 1 years for the offence under Section 302 of I.P.C. r/w. 149 of I.P.C. To undergo RI for 5 years and to pay a fine of Rs.1,000/- in default to undergo RI for 1 year under Section 307 of I.P.C.
3	Cr.No.245 of 1988	U/s.459 and 307 of I.P.C.	To undergo RI for 5 years under Section 459 of I.P.C. To undergo 5 years under Section 307 of I.P.C.



3.The petitioner now contends that the petitioner's father is entitled to premature release. The petitioner's counsel placed reliance on the release order dated 06.10.2018 issued in favour of co-accused by name Ragavan. The petitioner's counsel also brought to my notice an order dated 26.10.2016 passed by the learned Hon'ble Division Bench of this Court in H.C.P.(MD)No.540 of 2016 and a copy of G.O.(Ms) No.613, HOME (PRISON-IV) DEPARTMENT dated 08.11.2019.

4.The petitioner has given a representation dated 20.08.2019 . The first respondent is directed to take a decision of merits on the said representation within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the matter. It is for the first respondent to take a decision in accordance with law. All that this Court directs is an expeditious disposal of the petitioner's representation.

5.With this direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1.The Secretary,
Department of Home,
Fort. St.George,
Chennai - 600 009.

2.The Additional Director General of Prison,
CMDA Towers,
Egmore,
Chennai-600 008.



3. The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli District.

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+1 CC to M/s. P. KRISHNASAMY, Advocate (SR-9553[F] dated 02/03/2020)

W.P. (MD) No. 22928 of 2019
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MR (CO)
TR (03.03.2020) 4P 5C