



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.5069 of 2018
and
Crl.MP.No.12041 of 2018

S.Mariyappan

... Petitioner

Vs.

1. The Secretary to Government,
Home, Prison Department,
Secretariat, Chennai-9.
2. The Additional Director General of Police (Prisons)
Chennai Metropolitan Development Authority tower-II,
No.I, Gandhi Irwin Road, Egmore, Chennai-8.
3. The Superintendent of Police (Prison)
Madurai Central Prison,
Madurai-16.
4. The Inspector of Police,
Tiruchengode Rural Police Station,
Tiruchengode.

... Respondents

Crime No.15 of 1992.
(4th respondent is impleaded as per
the order of this Court in Crl. M.P.
No.12041 of 2018 dated 12.09.2018)

Prayer: Criminal Original Petition filed under Section 482
Cr.P.C. to direct the respondents to permit the
petitioner/accused that the sentence imposed in SC.No.115 of
2005 dated 18.07.2006 on the file of the learned II Additional
District Judge, Namakkal to set off the period of incarceration
suffered with the petitioner/accused from 27.08.1992 to
18.07.2006 as under trial remand prisoner.

For Petitioner : Mr.S.Sithirai Anandam

For Respondents : Mr.C.E.Pratap
Government Advocate (Crl.side)



ORDER

The petitioner stands convicted for major offence under Section 302 IPC and sentenced to undergo life imprisonment by the learned II Additional District Judge, Namakkal in SC.No.115/2005, has filed this petition seeking to set off the period of incarceration, which was for about 14 years.

2. The learned counsel for the petitioner submitted that the petitioner served as under trial prisoner between 27.08.1992 and 18.07.2006. The petitioner was convicted on 18.07.2006 vide the above mentioned order. Since the petitioner has been imprisoned for a period of 14 years. The petitioner has filed this petition seeking to set off the period of incarceration and treat the same as one suffered for the conviction imposed in SC.No.115/2005. The learned counsel for the petitioner has produced a copy of the order passed by the Hon'ble Apex Court in the clarification petition filed by the petitioner dated 25.11.2008 passed in Crl.M.P. Nos.18325 - 18326/2008, wherein the Hon'ble Supreme Court has dismissed the petition seeking special leave.

3. In view of the above, this petition is dismissed and liberty is granted to the petitioner to work out his remedy before the competent forum.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The II Additional District Judge,
Namakkal.
2. The Secretary to Government,
Home, Prison Department,
Secretariat,
Chennai-9.



3. The Additional Director General of Police (Prisons)
Chennai Metropolitan Development Authority tower-II,
No.I, Gandhi Irwin Road, Egmore, Chennai-8.

4. The Superintendent of Police (Prison)
Madurai Central Prison,
Madurai-16.

5. The Inspector of Police,
Tiruchengode Rural Police Station,
Tiruchengode.

6. The Public Prosecutor,
Madras High Court.

+1cc to Mr.S.Sithirai Anandam, Advocate, S.R.No.50263

CrI.O.P.No.5069 of 2018
and
CrI.MP.No.12041 of 2018

SSD(CO)
SU(26/11/2021)