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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.19665 of 2019  
and  
W.M.P.No.19191 of 2019

J.Balaji

...Petitioner

Vs.

1.The State of Tamil Nadu,  
Rep by its Secretary,  
Home Department,  
Secretariat, Chennai - 600 009.

2.The Additional Director of Prison,  
Prison Department,  
Thalamuthu Natarajan Maligai,  
Egmore, Chennai - 600 008.

3.The Superintendent of Police,  
Central Prison, Vellore,  
Vellore District.

4.Suresh Kumar

...Respondents

PRAYER : This petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, forbearing the 1 to 3 respondents herein from proceeding further with remission/pre-mature release process for the life convicts in criminal case pertaining to SC.No.63 of 2009, on the file of Chief Judicial Magistrate, Namakkal, based on the petitioner's representation dated 18.06.2019.

For Petitioner : Mr.Camyles Gandhi

For Respondents : Mr.A. Gopinath  
Government Advocate ( Criminal Side)

O R D E R

(This case has been heard through video conference)

This petition is filed seeking to issue a writ of mandamus forbearing the 1 to 3 respondents herein from



proceeding further with remission/pre-mature release process for the life convicts in criminal case pertaining to SC.No.63 of 2009, on the file of Chief Judicial Magistrate, Namakkal, based on the petitioner's representation dated 18.06.2019.

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2. The case of the petitioner is that the petitioner and the 4<sup>th</sup> respondent are brothers and there was some property dispute between them. Due to which the 4<sup>th</sup> respondent attempted to murder the petitioner. But, unfortunately one of the employee of the 4<sup>th</sup> respondent died, for which a case was registered in Crime No.611 of 2009 for the offences punishable u/s 436, 302 and 307( 4 counts of I.P.C which was taken on file in S.C.No.63 of 2009, on the file of Chief Judicial Magistrate Namakkal and in the above said criminal trial the 4<sup>th</sup> respondent was convicted and sentenced double life imprisonment and the same was confirmed by this Court in Crl.A.No.245 of 2012. It is alleged that during the pendency of the above criminal proceedings the 4<sup>th</sup> respondent attempted to murder the petitioner, for which the petitioner lodged a complaint. Based on the said complaint the case was taken on file in S.C.No.28 of 2011 and the same is sent to the learned Assistant Sessions Judge, Namakkal and while pending trial, the case was transferred to the learned Principal District and Sessions Court, Namakkal. In the said case the 4<sup>th</sup> respondent was acquitted. Hence the petitioner filed a representation before the third respondent on 18.06.2019. However, no action was taken against the officials concerned till date, which leads to filing of the present petition.

3. The learned Government Advocate would submit that till date there is no threat or apprehension to the petitioner from the 4<sup>th</sup> respondent.

4. Recording the submissions made by the learned Government Advocate, this petition is closed. Consequently connected miscellaneous petitions is closed.

Sd/-  
Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

smn

To.

1.The Secretary,  
Home Department,  
Secretariat, Chennai - 600 009.



2.The Additional Director of Prison,  
Prison Department,  
Thalamuthu Natarajan Maligai,  
Egmore, Chennai - 600 008.

3.The Superintendent of Police,  
Central Prison, Vellore,  
Vellore District.

+1cc to Mr.W.Camyles Gandhi, Advocate SR.No.36099

W.P.No.19665 of 2019  
and  
W.M.P.No.19191 of 2019

KSM(CO)  
RVM(23/09/2021)