



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.07.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)Nos.15104 and 15105 of 2019

Jayapal ... Petitioner in W.P.(MD).No.15104 of 2019
Kamaraj ... Petitioner in W.P.(MD).No.15105 of 2019

vs.

1.The Principal Secretary to Government,
Home (Prison -IV) Department,
Secretariat,
Fort St. George,
Chennai -9.

2.The Superintendent of Prisons,
Central Prison,
Trichy 20.

... Respondents in both W.Ps.

PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant premature release in terms of the Tamil Nadu Government Order in G.O.(Ms.).No.64, Home (Pri IV) Department, dated 01.02.2018 and Sections 432, 433 and 433 (A) of Cr.P.C., and release the petitioners from imprisonment.

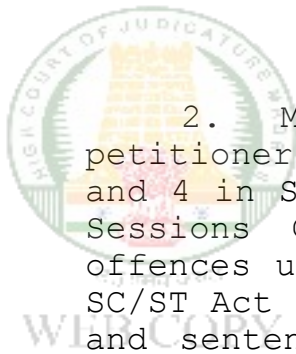
For Petitioners : Mr.S.Venkatesan

For Respondents : Mr.S.Ravi
Standing counsel for the Government

C O M M O N O R D E R

[Order of the Court was made by **K.KALYANASUNDARAM.,J.**]

These writ petitions have been filed for issuance of Writ of Mandamus, directing the respondents to grant premature release to the petitioners, as per G.O.(Ms.) No.64, Home (Pri IV) Department, dated 01.02.2018.



2. Mr.S.Venkatesan, learned counsel appearing for the petitioners would state that the petitioners are the accused Nos.1 and 4 in Sessions Case No.173 of 1994, on the file of the Principal Sessions Court, Thanjavur and they were found guilty for the offences under Sections 302 r/w. 34 I.P.C., r/w. Section 3(2)(v) of SC/ST Act and sentenced to undergo life imprisonment. The conviction and sentence was confirmed by the High Court in CrI.A.No.996 of 1995. The Special Leave Petition filed against the judgment was dismissed by the Hon'ble Apex Court in S.L.P.(CrI.).No.7342 of 2004. Subsequently, they have been in judicial custody for about 20 years.

3. The learned counsel would further state that the petitioners are entitled for premature release, as per G.O.(Ms.) No.64, Home (Pri IV) Department, dated 01.02.2018, however the representation in this regard was not considered by the respondents. He further added that the petitioners would be satisfied if a suitable direction is issued to the first respondent to consider the representation of the petitioners, dated 29.04.2018.

4. Mr.S.Ravi, learned Standing counsel appearing for the respondents would submit that the representation of the petitioners is under consideration with the first respondent and he is ready to pass an order in accordance with law.

5. In the light of the prayer sought for in these writ petitions and also considering the submissions of the learned counsel on either side, this Court, without going into the merits of the matters, directs the first respondent to consider the representations of the petitioners, dated 29.04.2018 and pass orders purely on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

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