



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2021

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE G.ILANGOVAN**

W.P. (MD) No.19368 of 2020

J.Anthony Bipin Raj

... Petitioner

-vs-

The State represented by its

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

2. The Superintendent,
Central Prison,
Palayamkottai.

... Respondents

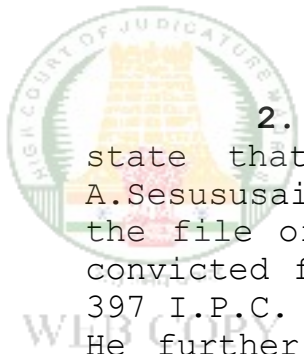
PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the first respondent to consider the representation dated 13.10.2020 and consecutively direct the respondents to release the detenue, Anthony Luns Lord, son of A.Sesususai Innasi, is a life convict prisoner, bearing Convict No.29, detained at Central Prison, Palayamkottai, prematurely in the light of the G.O.(Ms) No.1155 dated 11.09.2008 and G.O.(Ms) No.64, dated 01.02.2018.

For Petitioner : Mr.R.Narayanan
For Respondents : Mr.R.Anandharaj,
Additional Public Prosecutor

O R D E R

(Order of the Court was made by K.KALYANASUNDARAM, J.)

Heard Mr.R.Narayanan, learned counsel appearing for the petitioner and Mr.R.Anandharaj, learned Additional Public Prosecutor appearing for the State and perused the materials available on record.



2. The learned counsel appearing for the petitioner would state that the petitioner's brother Anthony Luns Lord, son of A.Sesususai Innasi, was one of the accused in S.C.No.343 of 1997, on the file of the I Additional Sessions Court, Tirunelveli and he was convicted for the offences punishable under Sections 302 and 392 r/w 397 I.P.C. and he has been in judicial custody for the past 22 years. He further added that vide G.O.(Ms) No.1155 dated 11.09.2008, the Government had considered the release of life convicts, who had already completed seven years of actual imprisonment. Likewise, vide G.O.(Ms) No.64, dated 01.02.2018, the life convicts, who have completed ten years of actual imprisonment as on 25.02.2018, have been prematurely released. However, the representation of the petitioner, dated 11.10.2020, seeking the very same relief has not been considered by the respondents.

3. The learned counsel for the petitioner would further submit that it would suffice if a suitable direction is given to the respondents to consider the representation of the petitioner.

4. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner's brother was convicted for the offence under Sections 302 and 397 I.P.C., hence, he is not entitled for the benefits of the aforesaid Government Orders. However, if a direction is given to the respondents, they are ready to pass orders on the representation of the petitioner taking into consideration of the sentence already undergone by the convict.

5. In reply, the learned counsel for the petitioner would state that once the convict served the sentence for the offence under Section 397 I.P.C., he becomes eligible to get the benefits under the above mentioned Government Orders.

6. In the light of the above submissions of the learned counsel for the petitioner and the learned Additional Public Prosecutor, this Court, without going into the merits of the matter, directs the first respondent to consider the petitioner's representation, dated 11.10.2020 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS-)



To:

1. The Secretary to Government of Tamilnadu,
Department of Home,
Fort St.George,
Chennai-600 009.
2. The Superintendent,
Central Prison,
Palayamkottai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

KRK

TE : 17/03/2021 : 3P/4C

W.P. (MD) No.19368 of 2020
08.03.2021