



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.07.2021**

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD)No.19852 of 2020

WEB COPY

Pommi

: Petitioner

Vs.

1.The State of Tamil Nadu, rep. by
The Principal Secretary to Government,
Home (Prison) Department,
State of Tamil Nadu,
Secretariat,
St. George Fort,
Chennai - 9.

2.The Additional Director General of Police/
Inspector General of Prisons,
C.M.D.A, Towers II,
No.1, Gandhi Irvin Road,
Egmore,
Chennai - 8.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus directing respondents to release the petitioner's father by name, Marimuthu, son of Mookkaiah, aged about 35 years, now confining at Madurai Central Prison under premature release on the basis of the G.O(MS)64 dated 01.02.2018 or advisory board proceedings under rule 341 of the Tamil Nadu Prison Rules 1983 and in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.Ravi

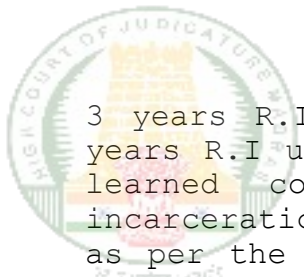
Standing Counsel for State

ORDER

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

The petitioner is the daughter of the Convict, namely, Marimuthu. The present writ petition has been filed seeking a direction to the respondents to consider the premature release of his father based on G.O (MS)No64 dated 01.02.2018.

2.The learned counsel for the petitioner Mr.R.Alagumani would submit that the petitioner's father was convicted by the learned Additional Sessions Judge, Fast Track Court No.1, Madurai in S.C.No.341 of 2002 for the offences under Sections 364, 302 r/w 397 IPC and directed to undergo



3 years R.I under Section 364 IPC, life imprisonment for murder and 7 years R.I under Section 397 IPC with fine. It is the submission of the learned counsel for the petitioner that the Convict has been incarceration for about 17 years and he is eligible for premature release as per the decision of the Hon'ble Apex Court reported in **2019(2) SCALE 225 (The State of Tamil Nadu and others vs. P.Veera Bhaarithi.** But the representation sent in this regard was not considered by the respondents.

3.The learned counsel would further submit that it would suffice, if a direction is issued to the first respondent to pass orders on the representation of the petitioner dated 16.12.2020.

4.The learned Standing Counsel appearing for the State would submit that the representation of the petitioner has been placed before the Advisory Board in the meeting Convened on 24.06.2021 and the Committee has to forward a report to the Government. On receipt of the report, the first respondent is ready to pass orders in accordance with law.

5.In the light of the above submissions of the learned counsel for the petitioner as well as the learned Standing Counsel appearing for the State, this Court without going into the merits of the matter, directs the first respondent to pass orders on the representation of the petitioner dated 16.12.2020 purely on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

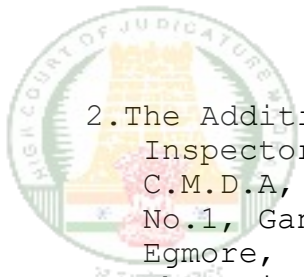
Note :

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.

To

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

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



2.The Additional Director General of Police/
Inspector General of Prisons,
C.M.D.A, Towers II,
No.1, Gandhi Irvin Road,
Egmore,
Chennai - 8.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

4.The Standing Counsel for Tamil Nadu Government,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Dr.R.Alagumani, Advocate (SR24468)

W.P. (MD) No.19852 of 2020
28.07.2021

SAR (CO)

RS (09.08.2021) 3P-6C