



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) .No.19674 of 2020

C.Jebin

... Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Home Prohibition & Excise Department,
Fort St.George, Secretariat,
Chennai - 600 009.

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,
Palayamkottai Central Prison,
Tirunelveli District.

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, or any other writ or direction or order in the nature of writ, directing the respondents to release the petitioner's father by name C.K.Gopi, son of Krishnan, aged about 54 years, now confining at Respondent No.7 Prison, namely, the Superintendent of Prison, Open Air Prison, Cheemeni, Kannur District, Kerala State - 671313 (deleted) under premature release on the basis of the G.O.Ms.64, Home (Pri.IV) Department, dated 01.02.2018 in accordance with law or by following the advisory board proceedings under rule 341 of the Tamilnadu Prison Rules within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.Ravi

Standing counsel for the State

O R D E R

(Order of the Court was made by V. BHARATHIDASAN, J.)

The writ petition has been filed seeking for a direction to release the petitioner prematurely as per G.O.Ms.No.64, Home (Prison-IV) Department, dated 01.12.2018.



2. The brief facts of the case are as follows:

The petitioner is a life convict and convicted and sentenced to undergo life imprisonment for the offence under Section 302 I.P.C; sentenced to undergo six months Rigorous Imprisonment for the offence under Section 324 I.P.C., and sentenced to undergo one month Simple Imprisonment for the offence under Section 341 I.P.C., and from the date of conviction ie., on 05.05.1996, he has been in jail for more than 17 years. Earlier he was confined in Central Prison, Palayamkottai. Subsequently, he was transferred to Central Prison, Kannur, Kerala State and now confined therein. According to the petitioner, in the meantime, the Respondent Government had issued a Government Order giving remission to life convicts in G.O.Ms.No.64, Home (Prison-IV) Department, dated 01.12.2018. As per the said G.O., the petitioner is entitled to get remission. Since the petitioner was confined at Central Prison, Kannur, Kerala State, benefit of the above said G.O., was not extended to the petitioner. In such circumstances, the petitioner made various representations to the first respondent finally on 16.12.2020 seeking for premature release pursuant to the above said G.O.Ms.No.64, dated 01.12.2018. But, so far no order has been passed by the first respondent. Hence, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner would submit that the petitioner's representation dated 16.12.2020 is pending with the first respondent for a long time and therefore, the first respondent may be directed to consider the said representation and pass suitable orders on the same.

4. Heard the submissions of Mr.S.Ravi, learned Standing Counsel for the respondents also.

5. Considering the limited scope of the prayer made, without going into the merits of the case, the first respondent is directed to consider the petitioner's representation dated 16.12.2020 and pass suitable 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.

6. With the above direction, the writ petition is disposed of.

Sd/-

Assistant Registrar (CRL)

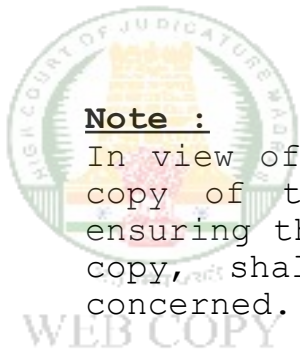
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Sub Assistant Registrar(CS)

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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,
State of Tamil Nadu,
Home Prohibition & Excise Department,
Fort St. George, Secretariat, Chennai - 600 009.
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,
Palayamkottai Central Prison, Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R. ALAGUMANI, Advocate (SR-28539[F] dated 08/09/2021)

W.P. (MD) No.19674 OF 2020

07.09.2021

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