



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2022

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Writ Petition No.7858 of 2021

S.Rajeswari
W/o.S.Shanmugam

... Petitioner

Vs.

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

2.The Inspector General of Prison,
Tamil Nadu Prison Department,
Whannels Road, Egmore,
Chennai.

3.The Deputy Inspector General of Police,
Tirunelveli Region,
Tirunelveli.

4.The Jail Superintendent,
Central Prison,
Palayankottai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the release of the petitioner's husband on premature release as per G.O.(Ms) No.64, Home (Prison-IV) Department, dated 01.02.2018.

For Petitioner :Mr.K.Thilageswaran

For Respondents:Mr.Hasan Mohamed Jinnah,
State Public Prosecutor
assisted by Mr.R.Muniyapparaj
Additional Public Prosecutor



O R D E R

[Order of the Court was made by P.N.PRAKASH, J]

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This writ petition has been filed seeking a direction to the respondents to consider the release of the petitioner's husband on premature release as per G.O.(Ms) No.64, Home (Prison-IV) Department, dated 01.02.2018.

2. The Joint Secretary to Government has filed a counter affidavit dated 08.12.2021, wherein in paragraph No.8, it is stated as follows:

'8. With regard to the averments made in grounds (a) to (d) of the affidavit, it is submitted that, the concession of remission/ premature release itself is a boon and to which no one has vested right. It is also submitted that, the classes of prisoners or category of offender to whom the remission has to be extended is a matter of policy, particularly when it is also a constituent power conferred upon the constitutional functionary and the Head of the State Government, larger area of latitude is to be conceded in favour of such authority to decide upon the frame and limits of its exercise under Article 161 of the Constitution of India. Further, the case of the petitioner's husband / life convict prisoner No.4637, Shanmugham, Son of Saminathan was considered by the second level/District level and State level Committee and recommended for consideration for his premature release. As per the above Government order, vide letter No.4369/PS1/2018-8 dated 19.04.2018 by the second respondent and it is still under consideration of the Government.'

3. Since the request for premature release is still under consideration by the Government, we direct the first respondent to pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order and inform the petitioner of the same.



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

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SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

gm
To

- 1.The Secretary,
Home Department,
Secretariat, Chennai - 600 009.
- 2.The Inspector General of Prison,
Tamil Nadu Prison Department,
Whannels Road, Egmore,
Chennai.
- 3.The Deputy Inspector General of Police,
Tirunelveli Region,
Tirunelveli.
- 4.The Jail Superintendent,
Central Prison,
Palayankottai.
- 5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Thilageswaran, Advocate SR.6236

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ss[co]
srg 10/02/2022