



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MS. JUSTICE R.N.MANJULA

Writ Petition No.12663 of 2021

Chinnathambi @ Palanisamy
S/o.Kaliyannakoundar

.. Petitioner

Vs.

1.The State of Tamil Nadu,
represented by the
Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The Additional Director General of Police &
Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.

3.The Superintendent of Prisons,
Central Prison,
Coimbatore - 18.

.. 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 representation dated 18.03.2019 made by the petitioner for premature release of the petitioner under G.O.Ms.No.64, Home (Prison-IV) Department dated 01.02.2018, for premature release.

For Petitioner : Mr.P.Pugalenth
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]

The petitioner is a life convict (CT No.7084), having been convicted and sentenced to various terms of imprisonment including imprisonment for life for the offence u/s.302 r/w 149 IPC. There appears to be some confusion in respect of the Court by which the petitioner was convicted and the date on which he was convicted and therefore, we are not alluding to them. Seeking premature release in terms of G.O.(Ms) No.64, Home (Prison-IV) Department, dated 01.02.2018, the petitioner gave a representation dated 18.03.2019 and has thereafter, filed the present writ petition.

2. Heard Mr.P.Pugalenth, learned counsel for the petitioner and Mr.Hasan Mohamed Jinnah, learned Public Prosecutor, appearing for the State.

3. The Joint Secretary to Government has filed a counter affidavit dated 30.11.2021, wherein in paragraph No.8, it is stated as follows:

'8. With regard to the averments made in grounds of the affidavit, it is submitted that, the case of petitioner/life convict prisoner No.7084, Chinnathambi @ Palanisamy, Son of Kalianna Gounder was considered and recommended to Government as per G.O.(Ms) No.64, Home (Prison-IV) Department, dated 01.02.2018 for premature release vide letter No.4369/PS1/2018, dated 16.04.2018 of the second respondent and the same is under the consideration of the Government. Hence, the contention of the petitioner that there is arbitrary, discriminatory, unfair and unreasonable and violation of the Articles 14 and 21 of the Constitution of India in considering the premature release of the petitioner is not true and sustainable in law.'

4. In view of the above, we direct the first respondent to dispose of the representation of the petitioner within a period of three months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gm



1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

4.The Public Prosecutor,
High Court, Madras.

GPL (CO)
A.SK (01.02.2022)