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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

Coram

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

Writ Petition No.12925 of 2021

Kozhukattai Chinnasamy
S/o.Palani

.. 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.

.. 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 of the petitioner dated 17.10.2018 and release the petitioner immediately 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



ORDER

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

The petitioner is a convict prisoner (CT No.2302) and is undergoing imprisonment for life in the Central Prison, Coimbatore, pursuant to the conviction and sentence imposed upon him by the learned Additional District and Sessions Judge, Namakkal, in S.C.No.160/2002 on 22.01.2003. Seeking premature release under G.O.Ms.No.64, Home (Prison IV) Department dated 01.02.2018, the petitioner gave a representation dated 17.10.2018 and has thereafter, filed the present writ petition.

2. The Joint Secretary to Government has filed a counter affidavit dated 15.12.2021, wherein in paragraph No.7, it is stated as follows:

'With regard to the averments made in paragraph (5) of the affidavit, it is submitted that, it is true that the petitioner submitted a petition dated 17.10.2018 to the 1st and 2nd respondents and requested to release him prematurely as per G.O.(Ms) No.64, Home (Prison-IV) Department, dated 01.02.2018 and the same is under the consideration of the first respondent.'

Recording the same, this Writ Petition is disposed of with a direction to the first respondent to dispose of the petitioner's representation dated 17.10.2018 within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

+1cc to Mr.*, Advocate, S.R.No.
+1cc to Mr.*, Advocate, S.R.No.
+1cc to the Government Pleader, S.R.No.

gm

To

1. The Additional District and Sessions Judge,
Namakkal.



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

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

4. The Superintendent of Prisons,
Central Prison,
Coimbatore.

5. The Public Prosecutor,
High Court, Madras.

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SMI[co]
NSK 25/01/2022