



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P (MD)No.4555 of 2022

Afros Ahmed

...Petitioner

Vs.

1.The Home Secretary,
Government of Tamil Nadu
Fort St. George,
Chennai.

2.The Inspector General of Prisons,
O/o.The Inspector General of Prison,
Egmore,
Chennai - 600 008.

3.The Superintendent of Central Prison,
Trichy Central Prison,
Trichy - 620 020.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to prematurely release the detenu Mr.Kathar Moideen, Life Convict in C.T.No.20345, now confined in Central Prison, Trichy.

For Petitioner : Mr.S.Manoharan

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor.

O R D E R

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

The petitioner seeks a Writ of Mandamus directing the respondents to consider his request for premature release under G.O.(Ms)No.64, dated 01.03.2019.

2. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner has been convicted under Section 498(A) of IPC, which is



an exempted offence and there is no provision for any premature release.

3. The learned counsel for the petitioner would however rely upon the judgment of Principal Bench this Court in H.C.P.Nos.627 of 2012, 744 of 2012, dated 26.03.2013 and H.C.P.No.126 of 2019, dated 31.01.2019. According to the learned counsel for the petitioner, the condition for premature release should be considered on the circumstances or the guidelines prevailing as on the date of conviction and not on the alternate ground after the date of conviction.

4. In view of the same, there will be a direction to the respondents to consider the application of the petitioner under the applicable G.O. and as per the judgments of this Court as referred to above.

5. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2022

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 Home Secretary,
Government of Tamil Nadu
Fort St. George, Chennai.
- 2.The Inspector General of Prisons,
O/o.The Inspector General of Prison,
Egmore, Chennai - 600 008.
- 3.The Superintendent of Central Prison,
Trichy Central Prison, Trichy - 620 020.

+1 CC to M/s.S.MANOCHARAN, Advocate (SR-12942[F] dated 18/03/2022)

W.P(MD)No.4555 of 2022

17.03.2022

RD(28.03.2022) 2P 5C

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