



W.P.(MD)No.12370 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2022

CORAM:

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

W.P.(MD)No.12370 of 2022

Guna @ Gunasekaran

: Petitioner

Vs.

1.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

2.The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
(Crime No.30 of 2008)

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the first respondent to set off the remand period from 17.04.2008 to 19.06.2008 in S.C.No.196 of 2008 on the file of the Hon'ble



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Principal District and Sessions Court, Ramanathapuram to calculate and include those days with conviction sentence period under Section 428 of Criminal Procedure Code in accordance with law.

For Petitioner : Mr.R.Prakash

For Respondents : Mr.S.Ravi

Additional Public Prosecutor

ORDER

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

On 20.06.2022, we passed the following order:

'The minimum facts that are required for deciding this petition are as under :

The petitioner faced a prosecution in S.C.No.196 of 2008 in the Court of the Principal District and Sessions Judge, Ramanathapuram, for the offence under Section 302 of IPC, which ended in acquittal on 11.01.2010.

2. Aggrieved by the acquittal, the State filed an appeal in Crl.A.(MD) No.245 of 2010, in which, a Division Bench of this Court, by judgment, dated 18.11.2014, reversed the acquittal and convicted the petitioner and sentenced him to undergo imprisonment for life.



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3. *It is the grievance of the petitioner that in column No.7 of the conviction certificate, the period of custody which was undergone by the petitioner as a remand prisoner in Peraiyur Police Station Crime No.30 of 2008, has not been reckoned. Therefore, the present writ petition has been filed for the said relief.*

4. *Today, Mr.A.P.Balakrishnan, (Mobile No.75989 21250), Jailor, Central Prison, Madurai, is present before this Court.*

5. *It appears that when the petitioner gave an application under the RTI Act, the Superintendent of the Central Prison, Madurai, has given a reply letter, dated 23.06.2021, wherein, it is stated that the petitioner was a remand prisoner in Peraiyur Police Station Crime No.30 of 2008 from 17.04.2008 to 19.06.2008. However, the conviction certificate does not disclose this.*

6. *On instructions, learned Additional Public Prosecutor submitted that an error had crept in because the committal warrant issued by the Trial Court did not disclose the said information.*



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7. Be that as it may, learned Additional Public Prosecutor submitted that if time is granted, the records would be verified by the Prison Authorities and necessary amendment made, after due enquiry.

8. Post the matter on 11.07.2022, "for reporting compliance".'

2.Today, when the matter was taken up for hearing, Mr.S.Ravi, learned Additional Public Prosecutor appearing for the respondents produced the conviction certificate, wherein in Column No.7, the pre-conviction remand period from 17.04.2008 to 19.06.2008 [64 days] has been included as required under Section 428 Cr.P.C. A copy of the same was also furnished to the learned Counsel for the petitioner.

3.In view of the above, this Writ Petition stands closed.
There shall be no order as to costs.

[P.N.P.J.] & [R.H.J.]

11.07.2022

Index : Yes/No

Internet : Yes/No

MR



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To

- 1.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.
- 2.The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.N.PRAKASH, J.
and
R.HEMALATHA, J.

MR

ORDER MADE IN
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11.07.2022