



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.P(MD)No.13828 of 2021

Raja : Petitioner

- 1.The Secretary,
Home, Prohibition and Excise Department,
Government of Tamilnadu,
Chennai.
- 2.The Additional Director General of Police,
Prisons Department,
Chennai.
- 3.The Superintendent,
Central Prison,
Madurai.
- 4.The Superintendent,
Central Prison,
Trichy.

: Respondents

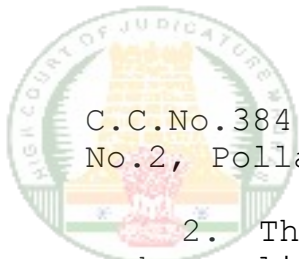
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to return the punishment warrant of the petitioner's brother named Kamal @ Annadurai, life convict (20585), to the learned Judicial Magistrate Court, Pollachi, Coimbatore District.

For Petitioner : Mr.T.Kumar
For Respondents : Mr.S.Thiruvadikumar,
Additional Public Prosecutor

ORDER

**R.SUBRAMANIAN, J.
AND
N.SATHISH KUMAR, J.**

The petitioner seeks return of punishment warrent of his brother viz., Kamal @ Annadurai, for the imprisonment undergone by him for a period of 30 months consequent upon the conviction in



C.C.No.384 of 2008 on the file of the Judicial Magistrate Court No.2, Pollachi, for the offence under Section 379 of I.P.C.

2. The petitioner's brother was convicted and sentenced to undergo life imprisonment in S.C.No.184 of 2000 on the file of the II Additional Sessions Court, Madurai, on 16.10.2000, on a charge of murder. The said life sentence was confirmed by this Court in CrI.A No.194 of 2001 on 04.01.2008. While he was out on bail, he was charged with the offence of theft in C.C.No.384 of 2008, for which offence, he got punishment to undergo rigorous imprisonment for 30 months on 28.06.2011. Unfortunately, the trial Magistrate did not act in compliance with Section 427(2) Cr.P.C and state that the sentence imposed in the theft case will run concurrently with the life imprisonment. Because of the absence of any such direction from the trial Magistrate, the authorities have not returned the punishment warrant for the offence under Section 379 of I.P.C.

3. Mr.S.Thirvadikumar, learned Additional Public Prosecutor, has filed a counter affidavit stating that the case of the petitioner's brother is recommended to the Committee for premature release, as per G.O(Ms).No.488 Home(Prison-4) Department, dated 15.11.2021. He would submit that the Committee will dispose of the recommendation made for the premature release of the petitioner's brother, within a period of twelve weeks from today.

Recording the said statement, this writ petition is closed with a liberty to the petitioner to renew it if the premature release his brother is not considered favourably.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pm

To

- 1.The Secretary,
Home, Prohibition and Excise Department,
Government of Tamilnadu,
Chennai.
- 2.The Additional Director General of Police,
Prisons Department,
Chennai.



3.The Superintendent,
Central Prison,
Madurai.

4.The Superintendent,
Central Prison,
Trichy.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
W.P (MD) No.13828 of 2021
21.02.2022

nsn(CO)
TR(28.02.2022) 3P 6C