



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2022

CORAM:

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

**W.P(MD)No.17518 of 2021
and
W.M.P(MD)No.14358 of 2021**

Malliga : Petitioner

.VS.

- 1.The State of Tamilnadu,
Represented by,
The Additional Chief Secretary to Government,
Home (Prison-IV) Department,
Fort St. George,
Chennai - 600 009.
- 2.The Additional Director General of Police/
Inspector General of Prisons,
C.M.D.A. Towers II,
No.1, Gandhi Irvin road,
Elumbur, Chennai - 8.
- 3.The Deputy Inspector General of Prison,
Office of the Deputy Inspector of Police,
C.M.D.A. Towers II,
No.1, Gandhi Irvin Road,
Elumbur, Chennai - 8.
- 4.The Superintendent of Prison,
Office of the Superintendent of Prison,
Coimbatore.
- 5.The Regional Probation Officer,
Office of the Regional Probation Officer,
Vellore District - 632 009.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned G.O.(D)No.277 Home (Pri IV) Department, dated 12.03.2019 and quash the same as illegal, consequently to direct the respondents to release the petitioner's husband namely Rajesh @ Rajkumar @ Rajeshkanna, aged about 48 years



now confining at Coimbatore central prison under premature release on the basis of the representation submitted by the petitioner dated 09.03.2021 within the time stipulated by this Court.

For Petitioner

:Mr.R.Alagumani

For Respondents

:Mr.A.Thiruvadi Kumar,

Additional Public Prosecutor

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ORDER

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

Heard Mr.R.Alagumani, learned counsel appearing for the petitioner, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the State and perused the materials placed before this Court.

2. The request of the petitioner for premature release of her husband, who has been sentenced to undergo life imprisonment for the offence under Section 364(A) of I.P.C, was rejected by the authorities solely on the ground that he has also been convicted for the offence under Section 498(A) of I.P.C.

3. We do not think that the rejection is justified because the conviction for the offence under Section 364(A) of I.P.C., has nothing to do with the conviction under Section 498(A) I.P.C., and the conviction under Section 498(A) I.P.C is under different crime number and in the said case, the sentence of two years has already been undergone by the convict. Therefore, the ground for rejection of the claim of the petitioner for premature release of her husband cannot be upheld. Therefore, the order of rejection dated 12.03.2019, is quashed.

4. It is seen that the petitioner has given a further representation on 21.09.2021 seeking premature release of her husband. The authorities are directed to consider the representation of the petitioner dated 21.09.2021 in the light of the provisions of G.O.(Ms)No.64, Home (Prison-IV) Department, dated 01.02.2018 and dispose of the same in accordance with law. The authorities shall pass orders on the representation within a period of eight weeks from the date of receipt of a copy of this order.

With the above directin, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

- 1.The Additional Chief Secretary to Government,
State of Tamilnadu,
Home (Prison-IV) Department,
Fort St. George,
Chennai - 600 009.
- 2.The Additional Director General of Police/
Inspector General of Prisons,
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Office of the Deputy Inspector of Police,
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- 4.The Superintendent of Prison,
Office of the Superintendent of Prison,
Coimbatore.
- 5.The Regional Probation Officer,
Office of the Regional Probation Officer,
Vellore District - 632 009.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P (MD) No.17518 of 2021
10.03.2022

MGJ(23.03.2022) 3P 7C