



WEB COPY

W.P(MD)No.20367 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.20367 of 2021

Manimaran

...Petitioner

Vs.

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

2.The Inspector of Police,  
Silaiman Police Station,  
Madurai.  
(Crime No.181 of 2005)

...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 first respondent to set off the remand period from 24.03.2005 to 02.03.2006 and 28.08.2007 to 27.08.2008 in S.C.No.282 of 2011 on the file of the IV Additional District and Sessions Court, Madurai and consequently direct the respondents 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.Alagumani

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 set off the period of remand from 24.03.2005 to 02.03.2006 and 28.08.2007 to 27.08.2008 undergone by him in two crime numbers.

2. Heard the learned counsel on either side and perused the materials available on record.

<https://hservices.ecourts.gov.in/hservices>



3. The very writ petition is based on the information provided under the Right to Information Act.

4. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor, upon instructions, would submit that the period of detention between 24.03.2005 and 02.03.2006 in Crime No.181 of 2005 at Silaiman Police Station, is admitted.

5. As regards the detention between 28.08.2007 and 27.08.2008 in Crime No.165 of 2007, the learned Additional Public Prosecutor would submit that the petitioner was detained under Act 14 of 1982 between 29.03.2007 to 28.02.2008. Therefore, according to him, the period of detention cannot be included for set off.

6. Recording the said submission of the learned Additional Public Prosecutor, this Writ Petition is disposed of, with a direction to the authorities to grant set off in respect of the period excluding the period of detention.

Sd/-

Assistant Registrar (CO)

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/ /2022

Sub Assistant Registrar(CS)

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To

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

2.The Inspector of Police,  
Silaiman Police Station,  
Madurai.

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

**W.P (MD) No.20367 of 2021**

**11.04.2022**

RK(21/04/2022) 2P 4C