



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P(MD)No.20521 of 2021

WEB COPY

Kutti Kumar

... Petitioner

Vs.

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

2.The Inspector of Police,
Rayappanpatti Police Station,
Theni District.
(Crime No.346 of 2004).

... Respondents

PRAYER: The Writ Petition filed under Article 226 of Constitution of India praying to issue a writ of Mandamus, to direct the first respondent to set off the remand prisoner from 24.09.2004 to 09.06.2005 in S.C.No.46 of 2006, on the file of the Additional District and Sessions Judge (Fast Track Court No.4), Periyakulam further to calculate and include those days with conviction sentence period under Section 428 of Criminal Procedure Code in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.Ravi

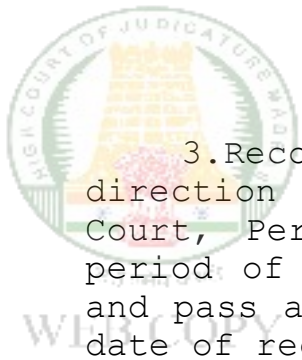
Additional Public Prosecutor

JUDGMENT

[Order of the Court was made by DR.G.JAYACHANDRAN,J.]

The present writ petition has been filed for a direction to the first respondent to set off the remand period from 24.09.2004 to 09.06.2005 in S.C.No.46 of 2006, on the file of the Additional District and Sessions Judge (Fast Track Court No.4), Periyakulam.

2. The first respondent has filed counter affidavit, wherein, it is stated that a letter addressed to the learned Additional District Judge, Fast Track Court, Periyakulam requesting him to set off the remand period of the petitioner from 24.09.2004 to 09.06.2005 and order in this regard is awaited. On receipt of the order regarding the remand set off under Section 428 Cr.P.C., appropriate action will be taken.



3.Recording the same, the writ petition is disposed of with a direction to the learned Additional District Judge, Fast Track Court, Periyakulam to verify the records and record the remand period of the petitioner for set off under Section 428 Cr.P.C., and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

19/01/2022

Sub Assistant Registrar (CS)

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To

- 1.The Additional District and Sessions Judge
(Fast Track Court No.4), Periyakulam.
- 2.The Superintendent of Prison,
The Madurai Central Prison,
Madurai.
- 3.The Inspector of Police,
Rayappanpatti Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P(MD)No.20521 of 2021
19.01.2022

SE(CO)

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