



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.21506 of 2021

WEB COPY

Ammasi : Petitioner

.vs.

1.The State

Represented by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The Additional Director General of Police/IG of Prisons,
CMDA, Tower II, No.1 Gandhi Irwin Road,
Egmore, Chennai - 600 009.

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

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to reckon the period of remission as the sentence served by the petitioner's father as more than nineteen years and consequently to release the petitioner's father (Namely Chokkar aged about 65 years), life convict No.4389 Madurai Central Prison, Madurai by premature release in accordance with G.O.(Ms)No.64 dated 01.02.2018 as request as per the representation of the petitioner dated 15.04.2018 before this Court and set him at liberty forthwith under the provisions of Articles 14, 20 and 21 of the Indian Constitution.

For Petitioner

:Mr.A.Joseph Jerry

For Respondents

:Mr.S.Ravi,

Additional Public Prosecutor

ORDER

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

The petitioner seeks issuance of a Mandamus, directing the respondents to release his father viz., Chokkar, aged about 65 years, who is a life convict and has been in prison for nearly 19



2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The grievance of the petitioner is that the representation of the petitioner for premature release of his father dated 15.04.2018 has not been disposed of by the Government till now.

4. In view of the judgment of the Division Bench of this Court in **Saleema vs. State and others** reported in (2021) (1) MWN (Cri.) 198, this Court cannot issue a positive direction for premature release or for leave of a convict. Hence, this writ petition is disposed of with a direction to the Government to consider the representation of the petitioner dated 15.04.2018 within a period of four months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)

pm

To

1.The Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The Additional Director General of Police/IG of Prisons,
CMDA, Tower II, No.1 Gandhi Irwin Road,
Egmore, Chennai - 600 009.

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

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

ORDER MADE IN
W. P (MD) No. 21506 of 2021
15.02.2022

NSN (CO)

GC (01.03.2022) 2P 5C

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