



W.P(MD)No.27147 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.12.2022

CORAM

**THE HON'BLE DR JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE SUNDER MOHAN**

W.P.(MD)No.27147 of 2022
and
W.M.P(MD)No.21300 of 2022

J.Anthony Bipin Raj

.. Petitioner/Brother of the
detenu

Vs.

The State represented by its

1.The Secretary to Government of Tamilnadu,
Department of Home,
Fort St.George,
Chennai-600 009.

2.The Deputy Inspector General of Prison,
Madurai Range,
Madurai-625 001.

3.The Superintendent,
Central Prison,
Palayamkottai.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying this Court, to issue a writ of Certiorarified Mandamus, to call for



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the records pertaining to the impugned order G.OD)No.518 issued by the 1st respondent dated 19.04.2022 to quash the same and consecutively direct the 1st respondent to release the detenu, Anthony Luns Lord, S/o.A.Sesususai Innasi, is a life convict prisoner, bearing convict No.29 detained at Central Prison, Palayamkottai, prematurely in the light of G.O.(Ms)No.1155 dated 11.09.2008 and G.O(Ms)No.64, dated 01.02.2018.

For Appellant :Mr.S.Manoharan

For Respondents :Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

DR. G.JAYACHANDRAN,J.
AND
SUNDER MOHAN,J.

This writ petition is filed challenging the order passed by the Government rejecting the request of the petitioner to release his brother/life convict prematurely, having completed 14 years of imprisonment.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.



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3.The first respondent, on considering the fact that the convict was sentenced to undergo 10 years rigorous imprisonment for offence under Section 397 IPC and life imprisonment for offence under Section 302 IPC, the request for premature release cannot be entertained, before completion of 20 years of imprisonment. Pending this writ petition, miscellaneous petition is filed seeking 40 days interim relief to the detenu.

4.This Court, on considering the merits of the case, finds that the Executive has taken a decision that before completion of 20 years of imprisonment, the detenu in this case not entitled for premature release. We are not going to consider the reasonable of the reasoning given by the first respondent rejecting the request, since as on date the detenu has completed 23 years of imprisonment. Therefore, the petitioner is given liberty to make fresh application and the same may be considered on merits, as expeditiously as possible.

5.As far as miscellaneous petition seeking interim order of ordinary leave of 40 days, the learned Additional Public Prosecutor states that the convict being in imprisonment for nearly 24 years and during this period, he



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has been granted leave for 31 times and he has scrupulously followed the condition imposed for granting leave. Taking note of the said fact, the request of the convict for interim leave to be considered by the authorities within a period of 7 days from today and pass appropriate orders.

6. With these observations, this Writ Petition is disposed of. No costs. Consecutively, connected miscellaneous petition is closed.

(G.J.,J.) (S.M.,J.)
21.12.2022

Index: Yes/No

Internet: Yes/No

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To

1. The Secretary to Government of Tamilnadu,
Department of Home,
Fort St. George,
Chennai-600 009.
2. The Deputy Inspector General of Prison,
Madurai Range,
Madurai-625 001.
3. The Superintendent,
Central Prison,
Palayamkottai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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