



W.P.No.773 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

W.P.No.773 of 2023

Banu

.. Petitioner

Vs

1.The State represented by its
Home Secretary (Prison – IV),
Home Department, Secretariat,
Fort St.George, Chennai – 600 009.

2.The Director General of Prisons,
Gandhi Irwin Road, CMDA Building,
2nd Tower, Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison at Palayamkottai,
Tirunelveli District 627 002.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of mandamus directing the respondents
to consider the petitioner's representation dated 04.11.2022 within
time limit in the light of direction given by this Court in The Home
Secretary vs A.Palaniswamy @ Palaniappan reported in 2021-2-L.W

Page Nos.1/9



W.P.No.773 of 2023

(Crl) 118 and consequently direct the respondents to release the convict prisoner / son of the petitioner namely E.Peter, S/o. Iruthayaraj (CT No.3937) who is confined at Central Prison, Palayamkottai, 3rd respondent herein.

For Petitioner : Mr.M.Mohamed Saifulla
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Though captioned matter has been listed under the cause list caption 'FOR REPORTING COMPLIANCE', it is clear from the case file that the captioned writ petition has not been disposed of. However, it is not necessary to dilate much on this aspect of the matter. It will suffice to say that the captioned matter pertains premature release of a convict prisoner i.e., lifer E.Peter, S/o. Iruthayaraj (CT No.3937), who is lodged in Central Prison, Palayamkottai.

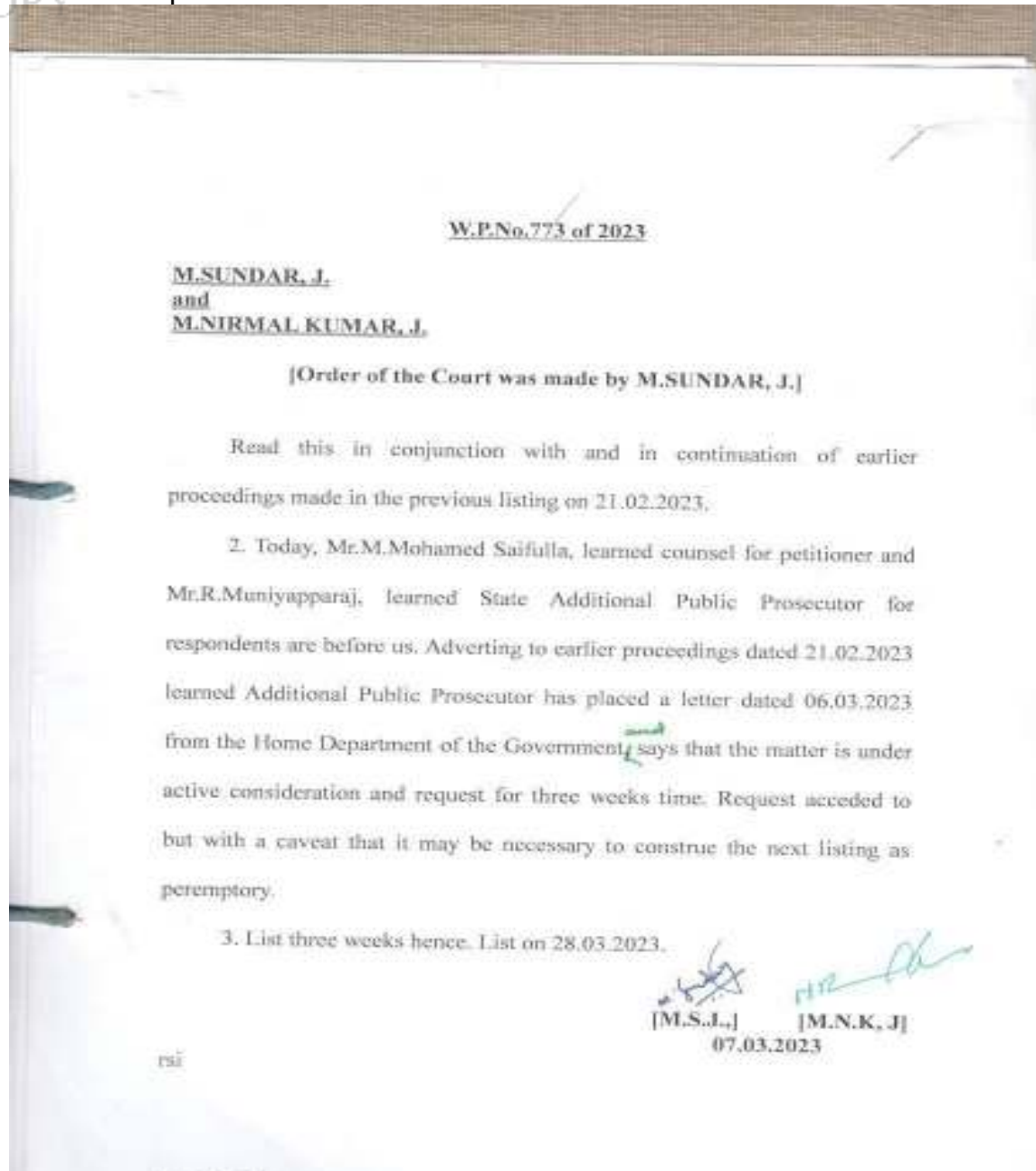
2. This order will now dispose of the captioned writ petition.
This order has to be read in conjunction with and in continuation of

Page Nos.2/9



W.P.No.773 of 2023

earlier proceedings made in the previous listing on 07.03.2023 and a scanned reproduction of the same is as follows:





W.P.No.773 of 2023

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3. Adverting to the earlier proceedings, Mr.R.Muniyapparaj, learned State Additional Public Prosecutor assisted by Mr.M.Sylvester John, learned counsel, submits that the premature release plea has since been acceded to vide G.O.Ms.No.130 Home (Prison-IV) Department dated 20.03.2023. Learned State Additional Public Prosecutor has placed before us a copy of this 20.03.2023 order and a scanned reproduction of the same is as follows:



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W.P.No.773 of 2023



ABSTRACT

Prisons and Correctional Services – Premature release of the Life Convict Prisoner No.3937, Peter, son of Truthayaraj, confined in Central Prison, Palayamkottai on the occasion of the 113th Birthday of Dr.Perarisingar Anna on 15.09.2021– Orders – Issued.

HOME (PRISON-IV) DEPARTMENT

G.O.(Ms)No.130

Dated: 20.03.2023,

சபகிருது வருடம், பங்குனி 6ம் நாள்
திருவள்ளூர் ஆண்டு 2054

Read:

1. G.O (Ms) No.468, Home (Prison-IV) Department, dated 15.11.2021.
2. G.O.(Ms) No.508, Home (Prison-IV) Department, Dated 18.11.2021.
3. Order of the Hon'ble High Court of Madras in W.P. No.773 of 2023, dated 11.01.2023 and 07.03.2023.
4. From the Director General of Police/Director General of Prisons and Correctional Services letter No.1652/PS1/2023, dated 09.02.2023 and 22.02.2023.

ORDER:

On 13.09.2021, the Hon'ble Chief Minister has made the following Announcement on the Floor of the Tamil Nadu Legislative Assembly:-

"சிறைக் கைதிகளின் முன்னிடுதலை தொடர்பான சட்டம் மற்றும் விதிகளுக்குட்பட்டு, போலீஸார் பெருந்தகை அறிஞர் அண்ணா அவர்களுடைய 113-வது பிறந்தநாள் வருகிற செப்டம்பர் 15-ஆம் தேதியன்று வருகிறது. அப்போது, நீண்டகாலம் சிறைவாசம் அனுபவித்துவரும் 700 ஆயுள் தண்டனைக் கைதிகளின் தண்டனையை நல்லெண்ணம் மற்றும் மனிதாபிமான அடிப்படையில் குறைத்து, முன்னிடுதலை செய்ய இந்த அரசு உரிய நடவடிக்கை மேற்கொள்ளும் இதற்கான அரசாணை விரைவில் வெளியிடப்படும்".



W.P.No.773 of 2023

WEB COPY

2

2. Based on the above announcement of the Hon'ble Chief Minister, orders were issued in the Government orders first and second read above, framing detailed guidelines for considering the case of Life Convict Prisoners who have completed 10/20 years of actual sentence on 15.09.2021 for premature release under Article 161 of the Constitution of India, in commemoration of the 113th Birthday of Dr.Perarisingnar Anna on 15.09.2021.

3. Based on the recommendation of the two committees constituted for the Premature release of the life convict prisoners, the Director General of Police/Director General of Prisons and Correctional Services has sent a proposal for the premature release of the Life Convict Prisoner No.3937, Peter, son of Iruthayaraj, confined in Central Prison, Palayamkottai who has completed 10 years of actual imprisonment as on 15.09.2021.

4. Tmt.Banu, mother of the Life Convict Prisoner No.3937, Peter has submitted a representation dated 04.11.2022 to the Government seeking premature release of her son/ Life Convict Prisoner No.3937, Peter, son of Iruthayaraj, confined in Central Prison, Palayamkottai.

5. Subsequently, Tmt.Banu, has filed W.P.No.773 of 2023 praying to consider her representation dated 04.11.2022 and to release her son / Life Convict Prisoner No.3937, Peter, son of Iruthayaraj, confined in Central Prison, Palayamkottai prematurely. The Hon'ble High Court of Madras in its order third read above has directed as follows:-

XXXX XXXX

"We issue directions to the respondents to consider the case of the petitioner's son E.Peter(C.T.No.3937), S/o. Iruthayaraj, in line with G.O.488 without being shackled by the directions in Palanisamy (supra)".

6. In pursuance of the orders of the Hon'ble Court in the reference third read above, the Government have examined the proposal of the Director General of Police/Director General of Prisons and Correctional Services for the premature release of Life Convict Prisoner No.3937, Peter, son of Iruthayaraj, confined in Central Prison, Palayamkottai on the occasion of the 113th Birthday of Dr.Perarisingnar Anna on 15.09.2021 and decided to accept it. Accordingly, the Government have decided to release prematurely the Life Convict Prisoner No.3937, Peter, son of Iruthayaraj, confined in Central Prison, Palayamkottai who has completed 20 years of actual imprisonment as on 15.09.2021, on the occasion of the 113th Birthday of Dr.Perarisingnar Anna on 15.09.2021.



W.P.No.773 of 2023

WEB COPY

3

7. Now, therefore, in exercise of the powers conferred under Article 161 of the Constitution of India, the Governor of Tamil Nadu hereby remits the unexpired portion of sentence of imprisonment for life imposed on the Life Convict Prisoner No.3937, Peter, son of Iruthayaraj, confined in Central Prison, Palayamkottai. Accordingly, the Government direct that the Life Convict Prisoner No.3937, Peter, son of Iruthayaraj, confined in Central Prison, Palayamkottai be released prematurely, subject to the condition that he will execute the bonds as per usual terms and conditions and unless his presence is required in any other case.

(BY ORDER OF THE GOVERNOR)

K.PHANINDRA REDDY
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT

To
The Director General of Police/
Director General of Prisons and Correctional Services, Chennai-8.
The Superintendent of Central Prison, Palayamkottai.
The District Collector, Tirunelveli,
The Registrar General, High Court of Madras, Chennai-104.
The Director General of Police/
Head of Police Force, Chennai-4.

Copy to

The Office of the Chief Minister, Chennai-9.
The Special Personal Assistant to Minister for Law, Chennai-9.
The Private Secretary to Additional Chief Secretary to Government,
Home, P&E Department, Chennai-9.
Stock File / Spare Copy.

// FORWARDED BY ORDER //


SECTION OFFICER

4. The narrative thus far makes it clear that the plea of



W.P.No.773 of 2023

premature release has been acceded to i.e., answered in the affirmative. This drops the curtains qua captioned writ petition.

5. Captioned writ petition is disposed of as closed recording the aforementioned obtaining position.

(M.S.,J.) (M.N.K.,J.)
28.03.2023

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

- 1.The Home Secretary (Prison – IV),
Home Department, Secretariat,
Fort St.George, Chennai – 600 009.
- 2.The Director General of Prisons,
Gandhi Irwin Road, CMDA Building,
2nd Tower, Egmore, Chennai – 600 008.
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- 4.The Public Prosecutor,
High Court, Madras.



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W.P.No.773 of 2023

**M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,**

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W.P.No.773 of 2023

28.03.2023

Page Nos.9/9