



W.P.No.9001 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.9001 of 2023

Mani @ Kovai Mani
S/o.Krishnan

.. Petitioner

Vs.

1. The State rep. by its
The Home Secretary (Prison)
Secretariat, Fort St.George, Chennai-600 009.
2. The Director General of Police &
Inspector General of Prisons
Whannels Road, Egmore
Chennai-600 008
3. The District Collector
Office of the District Collector
Chennai – 600 001
3. The Superintendent of Prison
Central Prison
Vellore-2.
4. The Superintendent of Prison

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Central Prison at Puzhal I
Thiruvallur District – 600 066

.. Respondents

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Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to direct the respondents to prematurely release the petitioner Mani @ Kovai Mani, S/o.Krishnan (CT No.1249) under Rule 341 of Tamil Nadu Prison Rules, 1983 in pursuance of representation dated 09.02.2023.

For Petitioner	:	Mr.M.Mohamed Saifulla
For Respondents	:	Mr.R.Muniyapparaj Additional Public Prosecutor

ORDER

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

This order will now dispose of the captioned writ petition.

2. Mr.M.Mohamed Saifulla, learned counsel on record for petitioner who is before us submits that the captioned writ petition has been filed with a mandamus prayer qua a 'representation dated 09.02.2023' [hereinafter 'said representation' for the sake of convenience and clarity] wherein prayer is to constitute the Advisory Board under Rule 341 of 'Tamil Nadu Prison Rules,

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1983' [hereinafter 'said Rules' for the sake of convenience and clarity] and consider the plea of premature release of petitioner Mani @ Kovai Mani, life convict (convict No.1249, now lodged in Central Prison, Puzhal).

3. This order has to be read in conjunction with and in continuation of earlier proceedings made in previous listings more particularly proceedings made in previous listings on 24.03.2023, which reads as follows:

'Captioned 'Writ Petition' (hereinafter 'W.P.' for the sake of convenience and clarity) has been filed by a lifer i.e., Mani @ Kovai Mani, aged 55 years (Convict No.CT 1249) who is now lodged in Central Prison I, Puzhal, Chennai having been convicted for offences under Section 394 read with 397 of 'The Indian Penal Code (45 of 1860)' [hereinafter 'IPC' for the sake of convenience and clarity] in and by judgment dated 23.10.2007 on the file of Additional Sessions Judge (Fast Track Court III), Poonamallee. We are informed that appeals in this Court and further Special Leave Petitions in Honourable Supreme Court as against conviction have been dismissed. However, it is not necessary to advert to these details further as captioned WP pertains to premature release of the petitioner. To be noted, the petitioner has been incarcerated for 14 years.

2. *Mr.M.Mohamed Saifulla, learned counsel for petitioner*



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submits that the Advisory Board met on 22.04.2022 and recommendation qua premature release of the petitioner has been made but there is a lull. Learned counsel also draws our attention to the representation dated 09.02.2023 which was sent through the fourth respondent i.e., Superintendent of aforesaid prison where lifer is now lodged.

3. *Issue notice. Mr.R.Muniyapparaj, learned State Additional Public Prosecutor accepts notice for all the four respondents.*

4. *Learned State Additional Public Prosecutor advertizing to Nilofer Nisha case reported in (2020) 14 SCC 161 (Home Secretary (Prison) Vs. H.Nilofer Nisha) more particularly paragraph 31 thereat submits that three months time is required. Be that as it may, learned State Additional Public Prosecutor submits that the matter is under active consideration of the State.*

5. *In response to the Nilofer Nisha case pressed into service by the learned State Additional Public Prosecutor, learned counsel for petitioner drew our attention to an order dated 07.07.2021 in Sonadhar's case (to be noted Nilofer Nisha case order is dated 23.01.2020). Learned counsel for petitioner who has placed before us the order of Honourable Supreme Court in Sonadhar Vs. State of Chattisgarh (SLP (Crl) 514/2021) submits that the prosecutor's request for three months has to be viewed in the*



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light of Sonadhar's case. We make it clear that we will consider this aspect of the mater as the case progresses if the need arises.

6. *Be that as it may, in the case on hand, as there is no disputation or contestation that the Advisory Board met on 22.04.2022 and we are informed that the matter is under active consideration of the State, we deem it appropriate to list this matter four weeks hence.*

List on 21.04.2023.'

4. Adverting to aforementioned proceedings, Mr.R.Muniyapparaj, learned State Additional Public Prosecutor, assisted by Mr.M.Sylvester John, learned counsel submits that the said representation is under active consideration of the respondents and a decision on the same will be taken as expeditiously as the business of the respondents would permit and in any event by 12.06.2023.

5. This drops the curtains on the captioned writ petition. We make it clear that respondents shall take a decision on the said representation on its own merits and in accordance with law. However, we also notice that the submission at the Bar on instructions is, the said representation is under active consideration of the respondents.



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6. We dispose of the captioned writ petition recording the stated position of the State. There shall be no order as to costs.

7. Though we dispose of the captioned writ petition recording the stated position of the State, we deem it appropriate to direct the Registry to list the captioned writ petition under the cause list caption 'FOR REPORTING COMPLIANCE' on 15.06.2023.

(M.S.,J.)

(M.N.K.,J.)

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Non-speaking order

Neutral Citation :No

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

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