



W.P.No.18848 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE Mr.JUSTICE R.SAKTHIVEL

W.P.No.18848 of 2023

Mr.Gunasekaran
Son of Ganesan

.. 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 Prison
Gandhi Irwin Road, CMDA Building
2nd Tower, Egmore, Chennai – 600 008

3. The Superintendent of Prison
Central Prison at Puzhal-I
Thiruvallur District – 600 066

... Respondents



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Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's wife representation dated 19.10.2022 within time limit and consequently direct the respondents to release the petitioner/ convict prisoner namely Mr.Gunasekaran, son of Ganesan (CT.No.5941) who is confined at Central Prison, Puzhal-I , the third respondent herein.

For Petitioner : Mr.M.Mohamed Saifulla
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

Writ petitioner in captioned writ petition is a lifer having been convicted in and by conviction and sentence dated 29.07.2009 in S.C.No.24 of 2008 on the file of 'District and Sessions Court, Tiruvarur' [hereinafter 'trial Court' for the sake of convenience and clarity].

2. Mr.M.Mohamed Saifulla, learned counsel for petitioner submits that the petitioner has been incarcerated for 13 years now. Learned counsel further submits that petitioner's spouse Abisree has sent a 'representation



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dated 19.10.2022 seeking premature release' [hereinafter 'said representation' for the sake of convenience and clarity].

3. As regards the writ petitioner, it is to be noted that his 'convict prisoner number is CT No.5941 and he is now lodged in Central Prison, Puzhal I, Chennai' [hereinafter 'convict prisoner' for the sake of convenience and clarity].

4. Learned counsel adverting to G.O.Ms. No.488, Home (Prison IV) Department, dated 15.11.2021 submits that premature release has been sought qua said representation *inter alia* on the basis of this Government Order which provides for premature release on lifers who have completed 10 years of actual imprisonment as on 15.09.2021 subject to certain conditions adumbrated therein.

5. Learned counsel submits that the said representation remains unattended necessitating the filing of the captioned writ petition in this Court on 21.06.2023.

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6. Issue notice. Mr.E.Raj Thilak, learned State Additional Public Prosecutor, accepts notice for the respondents and submits on instruction that said representation is under consideration and that a decision will be taken within six weeks from today.

7. Let the respondents take a decision on said representation on its own merits and in accordance with law as expeditiously as the official business of the respondents would permit but in any event on or before 08.08.2023. Let a copy of the decision be communicated to the writ petitioner and writ petitioner's spouse (to be noted, said representation was sent by writ petitioner's spouse) within five working days from the date of disposal.

8. Captioned writ petition disposed of with the aforementioned directives.



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Though the captioned writ petition is disposed of, let the same be

listed under the cause list caption 'FOR REPORTING COMPLIANCE' on

18.08.2023.

(M.S.,J.)

(R.S.V.,J.)

27.06.2023

gpa

To

1. Home Secretary (Prison IV)
Home Department, Secretariat
Fort St.George, Chennai – 600 009
2. The Director General of Prison
Gandhi Irwin Road, CMDA Building
2nd Tower, Egmore, Chennai – 600 008
3. The Superintendent of Prison
Central Prison at Puzhal-I
Thiruvallur District – 600 066
Cuddalore – 607 004
4. The Public Prosecutor
Madras High Court, Chennai



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and
R.SAKTHIVEL, J.

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