



W.P.No.27163 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.27163 of 2023

Jalendhran Govindharaj @ G.R.Jalendhran .. Petitioner

Vs.

1. The Home Secretary
The Government of Tamil Nadu
Fort St. George
Chennai – 600 009.
 2. The Director General of Police
Kamarajar Salai, Mylapore
Chennai – 600 004.
 3. The Director General of Prison
Whannels Road Egmore, Chennai – 600 008.
 4. The Superintendent of Prison
Central Prison, Coimbatore.
 5. The District Collector
O/o. Coimbatore District Collector
Coimbatore.
- .. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents to consider the representation dated 07.09.2023 and direct the first respondent not to release the bomb blast convicts on 15th September, 2023.

For the Petitioner : Mr.P.Ayyaswamy

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by Mr.K.M.D.Muhilan
Additional Government Pleader
for R1 & R5

Mr.Hasan Mohammed Ali Jinnah
Public Prosecutor
assisted by Mr.C.E.Pratap
Government Advocate (Crl. Side)
and Mr.C.Santhosh
Government Advocate (Crl. Side)
for R2 to R4

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.P.Ayyaswamy, learned counsel for the petitioner,
Mr.P.Muthukumar, learned State Government Pleader assisted by
Mr.K.M.D.Muhilan, learned Additional Government Pleader for
respondents 1 & 5 and Mr.Hasan Mohammed Ali Jinnah, learned Public



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Prosecutor assisted by Mr.C.E.Pratap, learned Government Advocate (Crl. Side) and Mr.C.Santhosh, learned Government Advocate (Crl. Side) for respondents 2 to 4.

2. The present petition has been filed in a most causal manner. Only bald allegations are made, without any supportive documents on record, so also the prisoners, who are alleged to be ineligible for release, are not made as parties to the present petition.

3. The prayer is made that the first respondent shall not release the bomb blast convicts.

4. The petitioner has not filed a single order of conviction on record. No material is placed to arrive at the conclusion that a particular prisoner is convicted in bomb blast case and is sought to be released. In the absence of any material on record, no further directions can be issued.

5. As per Clause 5-II of the Government Order dated



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11.08.2023, the prisoners convicted and sentenced for the following offences, along with life imprisonment, are ineligible for premature release:

"5. ...

I) ...

II) a) ...

b) The prisoners convicted and sentenced for the following offences along with life imprisonment are ineligible for consideration for premature release irrespective of the nature and tenure of the said sentence and irrespective of the fact as to whether or not they have undergone the said sentence in respect of the said offences, namely:-

(i) Rape (Section 376 of IPC), if sentenced to life imprisonment for rape.

(ii) Offences punishable for imprisonment for death or life under the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012).

(iii) Dacoity (Section 396 of IPC).

(iv) Offence of Terrorist Acts under Terrorist and Disruptive Activities (Prevention) Act, 1987 (Central Act 28 of 1987 or Prevention of Terrorist Activities Act, 2002 (Central Act 15 of



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2002 or Unlawful Activities (Prevention) Act, 1967 (Central Act 37 of 1967).

(v) Offences punishable for imprisonment for death or life under the Narcotic Drugs and Psychotropic Substances Act, 1985 (Central Act 61 of 1985).

(vi) Offences against State (Sections 121 to 130 of IPC).

(vii) Offences under sections 153-A, 153-AA and 153-B of IPC.

(viii) Offence under section 224 of IPC for the act of escape or attempt to escape from lawful custody (except overstayal of emergency/ordinary leave).

c) Prisoners convicted for more than two murders are not eligible.

d) Prisoners should not have pending cases except their criminal appeals, if any, pending against their conviction as on 15.09.2023.

e) That their cases should not come under section 435(1) of Code of Criminal Procedure, 1973.

f) The cases of prisoners whose conviction and sentence comes under the purview of section 435(2) of Cr.P.C. can be considered for premature release, if the period of such sentence has been undergone



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by the prisoners.

g) Prisoners convicted and sentenced for murder of Uniformed Service personnel for discharging their official duty will be ineligible for premature release.

h) That there is safety for the prisoner's life, if released.

i) That the prisoner will be accepted by the members of their family.

j) That there is safety for the life of the family of the victim, if the convict is released.”

6. If conviction is for the offences as enumerated in Clause 5-II(b)(i to viii) of the said Government Order dated 11.8.2023, then they are ineligible to be released, of course subject to the exceptions as may be available as per the said government order.

7. We do not find any conviction order placed on record. If the petitioner can lay his hands on the order of conviction of persons who would be ineligible for release, then the petitioner may agitate in respect of the same.



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8. In view of that, the writ petition stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

14.09.2023

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
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