



W.P.(MD).No.2086 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.08.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

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V.Balakrishnan

.. Petitioner

Vs.

- 1.State through
The Additional Chief Secretary,
Government of Tamil Nadu,
Home (Prison-IV) Department,
Fort St.George,
Chennai.
- 2.The Inspector General of Prisons,
Chennai.
- 3.The Deputy Inspector General of Prison,
Central Prison,
Madurai.
- 4.The Superintendent of Prison,
Central Prison,
Madurai.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to release the petitioner namely V.Balakrishnan who is confined at Central Prison,



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Madurai (life Convict Prisoner No.4554) and directing the respondents to treat the petitioner as an eligible life convict prisoner for premature release by G.O.(Ms).No.64, Home (Prison IV) Department, dated 01.02.2018 within the time frame stipulated by this Court and to set the petitioner at liberty.

For Petitioner : Mr.N.Anandhapadmanabhan
Senior Counsel
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The petitioner is a life convict, who has undergone 13 years, 2 months and 14 days of actual imprisonment as on 25.02.2018, as per the counter affidavit filed by the respondents dated 27.06.2023. Therein, the respondents have stated that in view of the petitioner's incarceration period for more than 14 years, his case was placed before the Advisory Board on 24.06.2021 by the third respondent and the same was also forwarded to the Government by the second respondent herein on 08.11.2022, which is under active consideration.



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2. We are of the view that the Government could be directed to consider the report of the Advisory Board in accordance with Rule 341 of the Tamil Nadu Prison Rules, 1983 (hereinafter referred to as “Rules”), within a stipulated time.

3. At this juncture, the learned Senior Counsel appearing for the petitioner submitted that the petitioner is suffering from chronic kidney disease stage 5 and systemic hypertension, for which, he had produced the medical records of the petitioner issued by the Government Rajaji Hospital, Madurai.

4. Under Rule 632 of the Rules, when the medical officer considers any prisoner to be dangerously ill and that his illness will be so aggravated by further imprisonment so as to render his early death likely and will have a reasonable chance of recovery if released, the Superintendent of Prisons is required to consult the Collector of the District to which the prisoner belongs, about the desirability of releasing the prisoner and then forward the proposals to the Government through the Inspector General of Prisons for



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consideration. In view of the submissions made by the learned Senior Counsel for the petitioner and by taking note of the medical records, we are of the view that the Government shall also consider the petitioner's case under Rule 632 of the Rules.

5. It is now brought to our notice that the petitioner's representation dated 28.10.2022 has been made only to the respondents 2 to 4 herein and since the first respondent/Government would be the competent authority to consider the petitioner's request, we are of the view that the petitioner could be granted liberty to make a fresh representation to the first respondent/Government.

6. In the light of the above observations and findings, the petitioner is granted liberty to make a fresh representation to the first respondent herein seeking for his premature release. On receipt of such a representation, the first respondent herein shall consider the same in the light of Rule 341, as well as Rule 632 of the Tamil Nadu Prison Rules, 1983 and pass appropriate orders, as expeditiously as possible, in any event, within a period of four (4) weeks from the date of receipt of a fresh representation. Prior to such



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consideration, the prison authorities shall be at liberty to subject the petitioner for medical examination through the jail medical officer for the purpose of complying with Rule 632.

7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

(M.S.R.,J.) (M.N.K.,J.)
11.08.2023

NCC : Yes / No
Index : Yes / No
Lm

To

- 1.The Additional Chief Secretary,
State,
Government of Tamil Nadu,
Home (Prison-IV) Department,
Fort St.George, Chennai.
- 2.The Inspector General of Prisons,
Chennai.
- 3.The Deputy Inspector General of Prison,
Central Prison, Madurai.
- 4.The Superintendent of Prison,
Central Prison, Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
M.NIRMAL KUMAR,J.

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