



W.P.(MD) No.3040 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P. (MD) No.3040 of 2023

Mani

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home (Prison - IV) Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2. The Additional Director General of Police,
Inspector General of Prison,
No. 1, Gandhi Irwin Salai,
Egmore,
Chennai – 600 008.

3. The Superintendent of Prison,
Madurai Central Prison,
Madurai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 30.01.2023 of the petitioner's son namely Kumar, S/o. Mani, C.P.No. 4975, being eligible



W.P.(MD) No.3040 of 2023

for premature release by G.O.(Ms).No. 64, Home (Prison IV) department dated 01.02.2018.

For Petitioner : Ms.S.Prabha

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

The prayer sought for herein is for a Writ of Mandamus to consider the petitioner's representation dated 30.01.2023, made on behalf of his son, namely, Kumar, S/o. Mani, C.P.No. 4975, for premature release in the light of G.O.(Ms).No. 64, Home (Prison IV) department, dated 01.02.2018.

2. In S.C.No.190 of 2007, on the file of Principal District Judge, Virudhunagar at Srivilliputhur, a life imprisonment has been inflicted against Kumar S/o. Mani, by judgment dated 29.07.2009. The said judgment was appealed in Criminal Appeal (MD) No.439 of 2010 and the same was dismissed on 03.08.2012. Therefore, the convict has been in jail since then, hence, according to the petitioner, he is entitled to premature release by



W.P.(MD) No.3040 of 2023

extending the benefit of G.O.Ms.No.64 Home (Prison IV) Department dated 01.02.2018.

3. Therefore, in order to consider the said plea made by the petitioner made on behalf of the detenu, the petitioner had given a representation to the respondents on 30.01.2023 and the same since has been pending with them for consideration, seeking a direction by way of a Mandamus to consider the said representation on merits, this Writ petition has been filed.

4. Heard Ms.S.Prabha, learned counsel appearing for the petitioner and Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents.

5. Since the representation submitted by the petitioner dated 30.01.2023 has been kept pending by the respondents for the past more than four months, we feel that, a direction can be given to the respondents to consider the said representation and pass necessary orders thereon on merits and in accordance with law within a time frame.



W.P.(MD) No.3040 of 2023

6. In that view of the matter, this Court is inclined to dispose of this Writ Petition with the following directions:-

There shall be a direction to the first respondent to consider the representation of the petitioner dated 30.01.2023 and pass necessary orders thereon on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

7. With this direction, this Writ Petition stands disposed of. However, there shall be no order as to costs.

(R.S.K., J.) & (K.K.R.K, J.)

12.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
SJ

To

1. The Additional Chief Secretary to Government,
Home (Prison - IV) Department,
State of Tamil Nadu,
Secretariat, Fort St. George,
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W.P.(MD) No.3040 of 2023

2. The Additional Director General of Police,
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W.P.(MD) No.3040 of 2023

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W.P. (MD) No.3040 of 2023

12.06.2023