



W.P. (MD) No.6393 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.6393 of 2023

Muthulakshmi

Vs.

... Petitioner

1.The State of Tamilnadu represented by
The Home Secretary,
The Government of Tamil Nadu,
Fort St. George,
Chennai.

2.The State of Tamilnadu represented by
The Principal Secretary,
Home (Prison) Department,
The Government of Tamil Nadu,
Fort St. George,
Chennai.

3.The Additional Director General of Police / Inspector of Police,
C.M.D.A. Towers II, No.
Gandhi Irvin Road,
Egmore, Chennai - 8.

4.The Deputy Inspector General of Prisons,
Madurai Circle,
Madurai.

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5.The Superintendent of Central Prison,
Central Prison, Madurai,
Madurai District.

6.The Inspector of Police,
Y.Othakkadai Police Station,
Madurai District.

...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 release the petitioner husband (Namely Pandi S/o. Muthaiah Thevar (L.C.T. No.5201) in Madurai Central Prison, by premature release in accordance with G.O. (Ms) No.488 dated 15.11.2021 as request as per the representation of the petitioner dated 25.01.2023 within the stipulated time frame fixed by this Hon'ble Court.

For Petitioner : Mr.Sivaprakash

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 representation of the petitioner dated 25.01.2023 for release of the petitioner's husband, namely Pandi S/o. Muthaiah Thevar, (L.C.T. No. 5201) who is in Madurai Central Prison, by premature release in accordance with G.O. (Ms) No.488 dated 15.11.2021 within a time frame.



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2. Heard Mr.Sivaprakash, learned counsel appearing for the petitioner and Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents.

3. In S.C.No.393 of 2010, on the file of Additional District and Sessions Judge, (Fast Track Court No.III), Madurai, a life imprisonment has been inflicted against Pandi S/o. Muthiah Thevar, by judgment dated 11.04.2011. The said judgment was appealed in Criminal Appeal (MD) No. 128 of 2011 and the same was dismissed on 23.02.2012. Therefore, the convict has been in jail since then, hence, according to the petitioner, he is entitled to premature release by extending the benefit of G.O. (Ms) No.488 Home (Prision - IV) dated 15.11.2021.

4. 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 25.01.2023.

5. In response to the said representation, the 3rd respondent has sent a communication on 16.02.2023, stating that the representation dated



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25.01.2023 submitted on behalf of the detenu for consideration of the premature release of the detenu is under the consideration of the Government, therefore, orders would be passed thereon.

6. In view of the said stand taken by the third respondent, where the representation submitted on behalf of the detenu has been under the consideration of the first respondent, we feel that, a direction can be given.

7. Accordingly, this Writ Petition is disposed of with a direction, directing the first respondent to consider the representation of the petitioner dated 25.01.2023, claiming the premature release of the detenu concerned and accordingly pass 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.

8. With these directions, 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
SJ



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