



W.P(MD)No.17797 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

**DATED : 01.12.2023**

**CORAM :**

**THE HONOURABLE MR.JUSTICE M.SUNDAR**  
**and**  
**THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

**W.P(MD)No.17797 of 2023**  
**and W.M.P.(MD)No.14855 of 2023**

Rakku

... 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

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order passed by the 1st respondent in G.O.(D).No.292 Home (Prison-IV) Department dated 14.03.2019 and



W.P(MD)No.17797 of 2023

quash the same as illegal and direct the 1st respondent to release the petitioner's husband namely Kumar, S/o.Karuppaiah, C.P.No.3825, from the 3rd respondent Prison.

For Petitioner : Ms.S.Prabha

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

### **ORDER**

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

This order will now dispose of the captioned 'Writ Petition' ('WP' for the sake of brevity).

2.This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 03.11.2023, which reads as follows:

*'Captioned writ petition pertains to premature release of one Thiru.Kumar son of Thiru.Karuppaiah who is now a prison inmate in Central Prison, Madurai.*

*2. Mrs.S.Prabha, learned counsel for petitioner [To be noted, writ petitioner Mrs.Rakku is wife of the prison inmate] submits that two other co-accused in the same case in which*



*the prison inmate Thiru.Kumar was convicted and serving sentence, have since been given the benefit of premature release.*

*3. Learned counsel submits that the prison inmate in the case on hand is similarly placed.*

*4. In response to the aforementioned submission, Mr.A.Thiruvadi Kumar, learned State Additional Public Prosecutor submits on instructions that de hors the impugned Government Order i.e., G.O(D)No.292, Home (Prison-IV) Department, dated 14.03.2019, the premature release of the prison inmate in the captioned matter is under active consideration of the Government under what is known as the Advisory Board Scheme vide Rule 341 of the Tamil Nadu Prison Rules, 1983.*

*5. Learned Prosecutor submits on instructions that as regards the case on hand, the Presiding Judge concerned has been addressed on 30.10.2023 requisitioning his considered opinion.*

*6. This Court is informed that the Presiding Judge is Principal District Judge, Sivagangai. Considering the facts and circumstances of the case and the trajectory the matter has taken, we give the following directions:*

*(i) The office of the 3<sup>rd</sup> respondent shall send a requisition by way of a Special Messenger and ensure that it is duly delivered to the Principal District Judge, Sivagangai, by 06.11.2023.*

*(ii) Learned Principal District Judge, Sivagangai, is requested to keep his considered opinion ready by 15.11.2023.*



W.P(MD)No.17797 of 2023

*(iii) The Special Messenger from the office of the 3<sup>rd</sup> respondent shall collect the opinion from the Principal District Judge, Sivagangai, on 16.11.2023. Thereafter, the process shall be carried to its logical end.*

*7. Learned Prosecutor submits that in the light of the directive supra, four weeks from today would be a realistic time frame for carrying out the matter to its logical end.*

*8. List on 01.12.2023.'*

3. Today Ms.S.Prabha, learned counsel for WP petitioner and Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor for respondents are before us.

4. Adverting to aforementioned earlier proceedings dated 03.11.2023 and more particularly paragraph 6 thereat, learned Additional Public Prosecutor submits that the opinion of the learned Principal District Judge, Sivagangai has since been received and the matter is under circulation (to be noted file is under circulation to Hon'ble Chief Minister) is learned Additional Public Prosecutor's say. Learned Additional Public Prosecutor submits that conclusion of the process is in the anvil.



W.P(MD)No.17797 of 2023

5. Recording the submission, captioned WP is disposed of as closed. Consequently, captioned WMP is also disposed of as closed.

There shall be no order as to costs.

(M.S., J.) (R.S.V., J.)  
01.12.2023

Index : Yes/No  
Neutral Citation : Yes/No

vsm

To

- 1.The Additional Chief Secretary to Government,  
State of Tamil Nadu  
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.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



WEB COPY



W.P(MD)No.17797 of 2023

**M.SUNDAR, J.**  
**and**  
**R.SAKTHIVEL, J.**

vsm

**ORDER MADE IN**  
**W.P(MD)No.17797 of 2023**

**DATED : 01.12.2023**