



WP(MD)No.24063 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.P.(MD)No.24063 of 2023

Arumugam

: Petitioner

Vs.

1.Additional Chief Secretary,
Home (Prison IV) Department,
Fort St. George,
Chennai.

2.The Inspector General of Police,
Prisons Department,
Whannels Road, Egmore,
Chennai – 600 008.

3.Superintendent,
Madurai Central Prison,
Madurai.

: Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents 1 to 3 to consider the representation dated 06.07.2023 made by the petitioner and issue appropriate orders in accordance with law, for premature release.

For Petitioner : Mr.S.Sivasubramanian

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

ORDER

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

This order will now dispose of the captioned Writ Petition.

2. Short facts shorn of elaboration are that the writ petitioner is a prison inmate; that it will suffice to say that the prison inmate is serving life sentence and three years Rigorous Imprisonment for offences under Sections 302 and 307 of 'the Indian Penal Code, 1860 (Act 45 of 1860)' [hereinafter 'IPC' for the sake of brevity] respectively; that the prison inmate sent a representation signed by him on 06.07.2023, seeking premature release; that it is to be noted that the prison inmate is now lodged



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in Central Prison Madurai; that the premature release plea qua '06.07.2023 representation' (hereinafter 'said representation' for the sake of convenience and clarity) is predicated on an executive fiat namely, G.O.(Ms)No.64, Home (Prison-IV) Department, dated 01.02.2018; that the captioned Writ Petition has been filed in this Court on 29.09.2023 on the ground that the said representation is pending for considerable time.

3. We have heard Mr.S.Sivasubramanian, learned counsel for Writ Petitioner. Issue notice. Mr.A.Thiruvadi Kunar, learned State Additional Public Prosecutor accepted notice for all three respondents.

4. Owing to the narrow scope on which the captioned Writ Petition turns, with the consent of both sides, main Writ Petition was taken up. To be noted, the prayer itself is one for Mandamus qua said representation.

5. Suffice to say that learned State Additional Public Prosecutor submitted that said representation pertains to premature release which turns on the Advisory Board scheme and the same is being processed. Eight weeks would be a reasonable / realistic time frame to dispose of the



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premature plea i.e., said representation, is learned State Additional Public Prosecutor's say.

6. In the light of the narrative thus far, captioned Writ Petition is disposed of with a directive to the first respondent to consider said representation i.e., representation signed by the prison inmate on 06.07.2023 as expeditiously as the business of the first respondent would permit but in any event within eight weeks from today i.e., by 30.11.2021. The decision taken by the first respondent shall be communicated to the Writ Petitioner under due acknowledgement within seven working days from the date of disposal of said representation.

7. Captioned Writ Petition is disposed of in the aforesaid manner. There shall be no order as to costs.

[M.S.,J.] & [R.K.M.,J.]

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Neutral Citation: No

Index : No

Internet : Yes

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Madurai Bench of Madras High Court,
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