



W.P.(MD)No.27602 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P.(MD)No.27602 of 2023

and

W.M.P.(MD)No.23707 of 2023

Karupputhai

: Petitioner

Vs.

- 1.The State of Tamil Nadu, Rep by
The Principal Secretary to Government,
Home (Prison-IV) Department,
State of Tamil Nadu,
Secretariat,
St. George Fort, Chennai – 9.
- 2.The Additional Director General of Police /
Inspector General of Prisons,
C.M.D.A. Towers II,
No.1, Gandhi Irvin Road,
Egmore, Chennai – 8.
- 3.The Deputy Inspector General of Prison,
Office of the Deputy Inspector General of Prison,
Vellore Division,
Madurai Central Prison Campus,
Vellore.



W.P.(MD)No.27602 of 2023

4.The Superintendent of Prison,
Vellore Central Prison,
Vellore District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to release the petitioner's husband by name M.Thoorkarumbu @ Muniyappan (C.P.No.1476) son of Muniyandi, aged about 58 years now lodged and confined at Central Prison, Vellore have completed the more than 27 years of actual sentence on the basis of the Hon'ble Justice Mr.Athinathan Committee recommendation and on the basis of the Humanitarian Ground in Government Letter M.S.No.1358, Home dated 10.11.1994 and the advisory board scheme Rule 341(2) of Tamil Nadu Prison Rules, 1983 by considering petitioner's representation dated 25.10.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Prakash

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

O R D E R

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

Captioned 'Writ Petition' ['WP' for the sake of brevity] has
been filed in this Court on 17.11.2023.



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2.Mr.R.Prakash, learned Counsel for writ petitioner is before us.

3.Short facts are that WP petitioner's spouse one M.Thoorkarumbu @ Muniyappan (C.P.No.1476), son of Muniyandi, aged 58 years is now lodged in Central Prison, Vellore as a convict prisoner; that a representation dated 25.10.2023 [hereinafter 'said representation' for the sake of convenience] has been sent seeking pre-mature release of WP petitioner's spouse.

4.Issue notice.

5.Mr.A.Thiruvadi Kumar, learned State Additional Public Prosecutor accepts notice for all four respondents and learned Prosecutor submits on instructions that said representation is under active consideration of the respondents. Learned Prosecutor submits that the Advisory Board met and has given a report dated 08.05.2023 and the same has been forwarded to the second respondent. Learned Prosecutor submits that six [6] weeks from today will be a realistic time frame to continue and conclude the proceedings.



W.P.(MD)No.27602 of 2023

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6.In the light of the narrative thus far, captioned WP and captioned WMP thereat are disposed of as closed albeit with a direction to the respondents to continue the consideration of said representation *qua* pre-mature release of WP petitioner's spouse and conclude the same as expeditiously as the business of the respondents would permit but in any event within **03.01.2024**.

7.Captioned WP is disposed of with the aforementioned directive. Consequently, captioned WMP is disposed of as closed. There shall be no order as to costs.

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

22.11.2023

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



W.P.(MD)No.27602 of 2023

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To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
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M.SUNDAR, J.
and
R.SAKTHIVEL, J.

MR

ORDER MADE IN
W.P.(MD)No.27602 of 2023

22.11.2023