



WEB COPY

W.P(MD)No.28653 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2023

CORAM :

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

W.P(MD)No.28653 of 2023

S.Ranjith Kumar

... Petitioner

vs.

1. The Principal Secretary,
Home (Prison) Department,
Secretariat, St.George Fort,
Chennai-600 009.

2. The Director General of Police and Correctional Services,
Tamil Nadu Prison Department,
No.6, Whennals Road, Egmore,
Chennai-600 008.

3. The Deputy Inspector General of Prison & CS,
Office of DIG Prisons & CS, Madurai Range,
Arasaradi, Madurai-625 016.

4. The Superintendent of Police,
Central Prison for men,
Arasaradi, Madurai-625 016.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to take immediate steps to assess all the facts in petitioner's father Selvam @ Rathinasamy who is undergoing his life sentence for more than 20 years in the Central Prison at Madurai and consider his case for premature release as



W.P(MD)No.28653 of 20.

per the G.O.MS.No.64, Home (Prison-IV) Department, dated on 01.02.2018, either by the above mentioned government order or by placing his case for consideration by constituting Advisory Board for recommendation of his release on humanitarian grounds within the time stipulated by this Court.

For Petitioner : Mr.S.Mohammed Yunnis Raja
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

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

Captioned 'Writ Petition' [hereinafter 'WP' for the sake of brevity] has been filed in this Court on 29.11.2023.

2. Factual matrix in a nutshell is that WP petitioner's father one Selvam @ Rathinasamy is a life convict now lodged in Central Prison for men, Arasaradi, Madurai; that 'WP petitioner's father' shall hereinafter be referred to as 'said prison inmate' for the sake of convenience and with the intention of using better and more refined glossary; that captioned WP pertains to a plea for premature release of said prison inmate primarily on the ground that said prison inmate has completed 20 years of sentence; that captioned WP is predicated on the point that there is inaction on the part of the respondents.



3. Issue notice.

4. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor accepts notice for all four respondents and submits on instructions that said prison inmate is not entitled / eligible to be considered for premature release under G.O(Ms)No.64. Home (Pri-IV) Department, dated 01.02.2018 as he has been convicted *inter alia* for offence under Section 498A of IPC. However, learned Prosecutor very fairly submitted that he is eligible for being considered for premature release under 'G.O(Ms)No.64, Home (Pri-IV) Department, dated 01.02.2018' [hereinafter 'said G.O' for the sake of convenience and clarity]. Learned Prosecutor further submitted that a proposal for premature release of said prison inmate under said G.O has emanated from the prison authorities i.e., 4th respondent and the same is under consideration of other respondents. It is further submitted by learned Prosecutor that 12 weeks from today is a reasonable time frame to conclude the proceedings and take a decision regarding the premature release of said prison inmate.

5. In the light of the narrative thus far, captioned WP is disposed of with a directive to respondents 1 to 3 to consider the proposal for premature release of said prison inmate namely, Selvam @ Rathinasamy now lodged in



W.P(MD)No.28653 of 20.

Central Prison, Madurai, in the light of G.O(Ms)No.64, Home (Pri-IV) Department, dated 01.02.2018 and take a decision as expeditiously as possible as the business hours of the respondents would permit but in any event within a period of twelve weeks from today i.e., by 31.01.2024.

6. Captioned WP is disposed of with the aforesaid directive and observations. There shall be no order as to costs.

(M.S., J.) (R.S.V., J.)
06.12.2023

Index : Yes / No
Neutral Citation : Yes / No
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ORDER MADE IN
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