



WEB COPY

W.P(MD)No.28647 of 20.



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.28647 of 2023

K.Kalarani

... Petitioner

vs.

1. The State of Tamil Nadu, Rep. by
The Principal Secretary to Government,
Home (Prison-IV) Department,
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,
Madurai Division,
Madurai Central Prison Campus,
Madurai - 16.

4. The Superintendent of Police,
Madurai Central Prison,
Madurai District.

5. The Deputy Jailor,
Open Air Prison,
Purasadiodaippu,
Sivagangai District.

... Respondents



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Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to release the petitioner's husband by name Kannan (C.P.No.0103) son of Ponnaiah, aged about 45 years now lodged and confined at Open Air Prison, Purasadaiodaippu, Sivagangai District have completed more than 14 years of actual sentence on the basis the G.O.Ms.No.488 of 2021 by considering the petitioner's representation dated 04.10.2023 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

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 01.12.2023.

2. Factual matrix in a nutshell is that WP petitioner's husband Kannan [C.P.No.0103] son of Ponnaiah is a life convict now lodged in Open Air Prison, Purasadiodaippu, Sivagangai District [hereinafter 'said prison' for the sake of convenience]; that 'Kannan, son of Ponnaiah' shall hereinafter be referred to as 'said person inmate' for the sake of convenience and with the intention of use of better glossary; that the WP petitioner who is said prison inmate's spouse has sent a representation dated 04.10.2023 seeking



premature release; that predicating his plea on the ground that said prison inmate is entitled to premature release, captioned WP has been filed in this Court.

3. Mr.R.Prakash, learned counsel for WP petitioner who is before this Court, reiterated the aforesaid facts and submitted that said prison inmate can be considered for premature release under G.O(Ms)No.488, Home (Prison-IV) Department, dated 15.09.2021, if he is deemed ineligible owing to not having completed 14 years under the Advisory Board Scheme.

4. Issue notice.

5. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor accepts notice for all the three respondents and submits on instructions that the said prison inmate has completed 13 years, 10 months and 28 days as on 30.11.2023. Learned Prosecutor submits that this means, the said prison inmate has not completed 14 years and therefore, he is not entitled to be considered for premature release under Advisory Board Scheme. However, learned Prosecutor submitted on instructions that a proposal has been sent for premature release for considering the same under G.O(Ms)No.488, Home (Prison-IV) Department, dated 15.09.2021 and the proposal is under



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consideration. Learned Prosecutor also submits that eight weeks from today will be a realistic time frame for concluding the proceedings qua proposal for premature release which is under consideration.

6. In the light of the narrative thus far, captioned WP is disposed of with a directive to the 1st respondent to take a decision regarding premature release of said prison inmate namely, Thiru.Kannan (C.P.No.0103) son of Thiru.Ponnaiah now lodged in Open Air Prison, Purasadiodaippu, Sivagangai District, which is under consideration in the light of G.O(Ms)No. 488, Home (Prison-IV) Department, dated 15.09.2021 as expeditiously as possible as the business hours of the respondents would permit but in any event within a period of eight weeks i.e., by 31.01.2023.

7. 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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To

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and
R.SAKTHIVEL, J.

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ORDER MADE IN
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DATED : 06.12.2023