



W.P(MD)No.30508 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

CORAM :

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

**W.P(MD)No.30508 of 2023**  
**and**  
**WMP(MD) No.26245 of 2023**  
**in**  
**W.P(MD) No.36508 of 2023**

Malliga

... Petitioner

VS.

1. State of Tamil Nadu,  
Rep. by the Principal Secretary,  
Home, Prohibition and Excise Department,  
State Secretariat, Fort St.George,  
Chennai – 600 009.
- 2.The Director General of Police/Director  
of Prisons and Correctional Services,  
C.M.D.A. Towers II,  
No.1, Gandhi Irvin Road,  
Egmore, Chennai.
- 3.The Deputy Inspector General of Prisons,  
Madurai Range, Madurai Central Prison Campus,  
New Jail Road, Madurai District.
- 4.The Superintendent of Prison,  
Madurai Central Prison,  
Madurai District.

... Respondents



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Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the fourth respondent to send proposal relating to the premature release of the petitioner to the second respondent in the commemoration of the 115<sup>th</sup> Birthday of Dr.Perarignar Anna on the basis of the communication in No. 33746/PS1/2023 dated 11.08.2023 issued by the second respondent and G.O.Ms.No.430, Home (Pri IV) Department, dated 11.08.2023 in accordance with law, consequently to direct the first respondent to consider the premature release of the petitioner's husband by name Rajesh @ Rajkumar @ Rajeshkanna son of Jeyaraman aged about 56 years now confining as life convict at Madurai Central Prison by considering the representation of the petitioner dated 13.12.2023 in accordance with law within the time stipulated by this Court.

|                 |                                                        |
|-----------------|--------------------------------------------------------|
| For Petitioner  | : Mr.R.Alagumani                                       |
| For Respondents | : Mr.A.Thiruvadi Kumar<br>Additional Public Prosecutor |

### **ORDER**

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

Captioned main 'Writ Petition' ('WP' for the sake of brevity) has been filed in this Court on 15.12.2023 and the subject matter is 'Premature Release' of WP petitioner's spouse one Thiru.Rajesh @ Rajkumar @ Rajeshkanna son of Jeyaraman aged 56 years who is a lifer (Life Convict) now lodged in Madurai Central Prison.



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2. Mr.R.Alagumani, learned counsel on record for WP petitioner submits that WP petitioner's spouse who shall hereinafter be referred to as 'said prison inmate' has remained incarcerated for over 24 years now and he is entitled to be considered for premature release.

3. Issue notice.

4. Mr.A.Thiruvadi Kumar, learned State Additional Public Prosecutor accepts notice for all four respondents.

5. Owing to the limited scope of the captioned WP (limited scope owing to the fair stand taken by learned Prosecutor about which there will be allusion infra), main WP was taken up with the consent of both sides.

6. Learned Prosecutor submitted, on instructions, that the case of said prison inmate is now being considered for premature release vide 'G.O.(Ms). No.430, Home (Prison-IV) Department, dated 11.08.2023' and four months from today will be a reasonable time frame to continue the consideration and conclude the same one way or the other.



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7. In the light of the narrative thus far, captioned WP is disposed of with a simple directive to the first respondent to continue to consider the case of said prison inmate i.e., Rajesh @ Rajkumar @ Rajeshkanna son of Jeyaraman aged about 56 years now lodged in Central Prison Madurai for premature release vide G.O.(Ms). No.430, Home (Prison-IV) Department, dated 11.08.2023 and take a decision as expeditiously as the business of the first respondent would permit but in any event on or before 30.04.2024. The decision taken by the first respondent shall be communicated under due acknowledgment to the WP petitioner as well as said prison inmate within five working days from the date of taking decision.

8. Captioned WP is disposed of in the aforesaid manner with the above mentioned simple directive. In the light of such disposal, captioned WMP is also disposed of as closed. There shall be no order as to costs.

(M.S., J.) (R.S.V., J.)  
21.12.2023

Index : Yes/No  
Neutral Citation : Yes/No  
PKN

**P.S: (i) Upload forthwith.**



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**(ii) All concerned to act on this order being uploaded in official website of this Court without insisting on certified copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

To

1. The Principal Secretary,  
State of Tamil Nadu,  
Home, Prohibition and Excise Department,  
State Secretariat, Fort St.George,  
Chennai – 600 009.
2. The Director General of Police/Director  
of Prisons and Correctional Services,  
C.M.D.A. Towers II,  
No.1, Gandhi Irvin Road,  
Egmore, Chennai.
3. The Deputy Inspector General of Prisons,  
Madurai Range, Madurai Central Prison Campus,  
New Jail Road, Madurai District.
4. The Superintendent of Prison,  
Madurai Central Prison,  
Madurai District.
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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

PKN

**ORDER MADE IN**  
**W.P(MD)No.30508 of 2023**

**21.12.2023**