



WEB COPY



W.P.No.588 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.588 of 2024
and W.M.P.No.571 of 2024

Kavitha

... Petitioner

Vs.

The State Represented by its

1.The Secretary to Government of Tamilnadu,
Home Department,
Fort St.George,
Chennai – 600 009.

2.The Superintendent,
Central Prison,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representation dated 09.12.2023 and consequently release the detainee, Ravi @ Gopu, S/o.Gurusamy Pillai, convict prisoner, Convict No.98907, confined at Central Prison, Trichy, prematurely as per the G.O.(Ms).No.64, dated 01.02.2018, G.O.(Ms).No.488, dated 15.11.2021.



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For Petitioner : Dr.S.Manoharan
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C. Aravind

ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

The petitioner herein, who is the wife of the life convict namely Ravi @ Gopu, S/o.Gurusamy Pillai, has come forward with this Writ Petition seeking for premature release pursuant to her representation dated 09.12.2023.

2. The petitioner states that her husband was convicted for the offenses under Sections.302 of IPC and sentenced to undergo life imprisonment, U/s.148 IPC and sentenced to undergo 2 years R.I, for the offence U/s.436 IPC and sentenced to undergo 10 years RI, for the offence U/s.323 IPC and sentenced to undergo 6 months RI, for the offence U/s.323 r/w 149 IPC and sentenced to undergo 6 months RI and the sentences were ordered to run concurrently, by the II Additional District and Sessions Judge (Protection of Civil Rights) Thanjavur, on 29.05.2001. Relying upon the Government Orders passed in G.O.Ms.No.488, Home (Prison-IV)



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Department, dated 15.11.2021 and G.O.(Ms).No.64 Home (Prison-IV)

Department dated 01.02.2018, the petitioner has given a representation on 09.12.2023 to the respondents, seeking for premature release of her husband. Since the same has not been considered till date, the petitioner has come forward with this Writ Petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.



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5.In view of the above observations, this Court, without going into the merits of the petitioner's representation or the contentions of the petitioner in the affidavit filed in support of this Writ Petition, directs the respondents to consider the representation of the petitioner dated 09.12.2023, seeking to release her husband prematurely, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of three (3) months and communicate the same to the petitioner.

6. With the above direction, this Writ Petition stands disposed of. No costs. Connected miscellaneous petition is closed.

[M.S.R., J]

[S.M., J]

05.06.2024

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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M.S.RAMESH, J.
and
SUNDER MOHAN, J.

Tsg

To

1.The State represented by its,
Home Secretary (Prison-IV),
Home Department, Secretariat,
Fort St.George, Chennai – 600 009.

2.The Director General of Prisons,
Gandhi Irwin Road, CMDA Building,
2nd Tower, Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison at Vellore,
Ramset Nagar, Thorapadi, Vellore – 632 002.

4.The Superintendent of Prison,
Central Prison at Parappana Agrahara,
Bengaluru, Karnataka – 560 100.

5.The Public Prosecutor,
High Court, Madras.

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