



WEB COPY



W.P.No.1083 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.1083 of 2024
and W.M.P.No.1145 of 2024

Durga Devi

... Petitioner

Vs.

The State Rep. by

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai-600 009.

2.The Superintendent,
Central Prison,
Cuddalore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 09.11.2023 and consequently, direct the respondents for premature release of the petitioner's husband, Palanisamy, S/o.Rajan (Convict No.16133), confined at Central Prison,

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For Petitioner : Mr.K.Tholkappian
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, who is the wife of the detenu, Palanisamy, S/o.Rajan (Convict No.16133), confined at Central Prison, Cuddalore, has come forward with this writ petition seeking premature release of her husband.

2.The petitioner states that her husband was convicted and sentenced to undergo four years rigorous imprisonment in S.C.No.18 of 2005 dated 22.03.2005. He was further convicted and sentenced to undergo life imprisonment in S.C.No.303 of 2004 dated 23.06.2005. The petitioner's case is that her husband is eligible for premature release as per G.O.(Ms).No.64 Home (Prison-IV) Department dated 01.02.2018, since he has been in incarceration for 19 years, 08 months and 16 days in Central



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Prison, Cuddalore. Therefore, she made a representation dated 09.11.2023 to the respondents seeking premature release. Since the same has not been considered till date, she 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.Having regard to the limited scope of the prayer in the writ petition, 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 09.11.2023, seeking premature release and pass appropriate orders on merits and in accordance with law, within a period of (3) three months from the date of receipt of a copy of this order, and communicate the same to the petitioner.



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

Anu

5. With the above direction, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

Post this matter on 05.06.2024 under the caption 'for recording compliance'.

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

07.02.2024

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Anu

To

1. The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai-600 009.
2. The Superintendent,
Central Prison,
Cuddalore.
3. The Additional Public Prosecutor,
High Court, Madras.

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