



WEB COPY



W.P.No.1163 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.1163 of 2024
and W.M.P.No.1222 of 2024

Thangavalli

... Petitioner

Vs.

The State of Tamil Nadu,
Rep. by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The Director General of Police &
Director General of Prisons and
Correctional Service,
Gandhi Irwin Road,
Egmore, Chennai-600 008.

3.The Superintendent of Prisons,
Central Prison,
Salem.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to release the petitioner under premature release by considering the representation, dated 21.12.2023 of petitioner's son namely Ilavarasan, son of Aandy, aged about 46 years, Ct.No.8916, now confined in the Central Prison, Salem under the Scheme of G.O.(Ms).No.488 and G.O.No.64 for premature release of life convicts, within a reasonable period.

For Petitioner : Ms.S.Nadhiya

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 mother of the detainee, Ilavarasan, now confined in the Central Prison, Salem, has come forward with this writ petition seeking premature release of her son.

2.The petitioner states that her son was convicted and sentenced to undergo life imprisonment in S.C.No.144 of 2006 dated 01.08.2006.



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Against the conviction, he filed an appeal before this Court in Crl.A.No.1062 of 2006, which was dismissed vide order dated 03.08.2007.

He was further convicted and sentenced to undergo life imprisonment in S.C.No.1 of 2011. The petitioner's case is that her son 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 more than 18 years in Central Prison, Salem. Therefore, he made a representation dated 21.12.2023 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



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petitioner dated 21.12.2023, 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.

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



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To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The Director General of Police &
Director General of Prisons and
Correctional Service,
Gandhi Irwin Road,
Egmore, Chennai-600 008.

3.The Superintendent of Prisons,
Central Prison,
Salem.

4.The Additional Public Prosecutor,
High Court, Madras.



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

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