



W.P. No.1089 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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P. Vasantha Kumar

...Petitioner

Vs.

1. The State represented by its,
The Home Secretary,
Prison Department (IV), St. George Fort,
Secretariat, Chennai 600 099.
2. The Director General of Prison,
Office of Director General of Prison,
No.01, Gandhi Irwin Road, CMDA Building,
Chennai 600 008.
3. The Superintendent of Prison,
Office of the Superintendent of Prison,
Central Prison at Puzhal-I,
Thiruvallur District 600 066

... Respondents

Prayer :- Writ Petition filed under Section 226 of the Constitution of India praying to issue a writ in the nature of Writ of Mandamus or any other appropriate Writ or Direction to the 1st respondent to prematurely release the



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petitioner/Convict Prisoner namely P.Vasantha Kumar, S/o. Parameshwaran (CT No.2452) aged about 37 years in pursuance of the petitioner's father representation dated 16.08.2023 in the light of the direction given by the Hon'ble Apex Court in State of Tamil Nadu - Vs. P. Veera Bhaarathi reported in 2019 (18) SCC 71.

For Petitioner : Mr.M. Mohamed Saifulla
For Respondents : Mr.E. Raj Thilak
Additional Public Prosecutor

ORDER

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

The petitioner, who is the convict prisoner, now confined in the Central Prison, Puzhal-I, Thiruvallur District, has come forward with this writ petition to direct the respondents to prematurely release him.

2. The petitioner states that he was convicted of life imprisonment under Section 364 IPC, seven years of Rigorous Imprisonment under Section 392 r/w 397 IPC and life imprisonment under Section 302 IPC, vide judgment dated 30.03.2009, by the III Additional District Sessions Judge, City Civil Court, Chennai, in S.C. No.439 of 2007. The petitioner further states that he has been in incarceration for the past 14 years and therefore, his father made a



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representation, dated 16.08.2023, to the respondents seeking for pre-mature release of the petitioner in the light of the decision in the case of ***State of Tamil Nadu vs. P.Veera Bhaarithi*** reported in ***2019 (18) SCC 71***. Since the same has not been considered till date, he 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 father'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's father, dated 16.08.2023 in the light of the decision in the case of ***State of Tamil Nadu vs. P.Veera Bhaarithi*** reported in ***2019 (18) SCC 71***, and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, and communicate the same to the petitioner's father.



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

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(M.S.R., J.) (S.M., J.)
18.01.2024

bga

Internet : Yes

Index : Yes / No

To

1. The Home Secretary,
Prison Department (IV), St. George Fort,
Secretariat, Chennai 600 099.
2. The Director General of Prison,
Office of Director General of Prison,
No.01, Gandhi Irwin Road, CMDA Building,
Chennai 600 008.
3. The Superintendent of Prison,
Office of the Superintendent of Prison,
Central Prison at Puzhal-I,
Thiruvallur District 600 066
4. The Public Prosecutor
High Court, Madras.



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and
SUNDER MOHAN, J.

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