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W.P.No.2321 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM :

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

W.P.No.2321 of 2024

Chellammal

... Petitioner

Vs.

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

2.The Superintendent,
Central Prison, Salem,
Salem – 636 008.

... 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 representation dated 22.12.2023 and consecutively release the detainee, Madesh, S/o. Kariyaappan, life convict No.6966, prematurely, confined at Central Prison, Salem, as per the G.O.(Ms) No.488, dated 15.11.2021.

For Petitioner

: Ms.S.Lakshmi



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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-in-law of the detenue/life convict, has come forward with this Writ Petition seeking for premature release, pursuant to her representation dated 22.12.2023.

2. The petitioner states that her son-in-law was convicted and sentenced to undergo life imprisonment for the offence under Section 302 of IPC with a fine of Rs.5000/- in default to undergo 1 year rigorous imprisonment, and to undergo simple imprisonment for 6 months for the offence under Section 309 of IPC by the learned Principal Sessions Judge, Salem in SC.No.125/2008, dated 21.12.2010. She also relied upon the Government Order in G.O.Ms.No.488, Home (Prison-IV) Department, dated 15.11.2021, regarding premature release of the life convict prisoners and the order of the Hon'ble Apex Court in the case of



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71. Further, the petitioner states that she has given a representation on 22.12.2023 seeking for premature release for the detenue. 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. 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 22.12.2023, seeking to release her son-in-law/detenue prematurely, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order and communicate the same to the petitioner, within a period of four (4) weeks from the date of receipt of a copy of this order.



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5. With the above direction, this Writ Petition stands disposed of.

No costs.

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

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1.The Secretary to Government of Tamilnadu,
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Chennai – 600 009.

2.The Superintendent,
Central Prison, Salem,
Salem – 636 008.

3.The Public Prosecutor,
High Court, Madras.



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and
SUNDER MOHAN, J.

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