



W.P.No.3588 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.3588 of 2024
and W.M.P.No.3866 of 2024

K.Jayanthi

... Petitioner

Vs.

The State represented by its,
1.The Secretary to the Government of TN,
Home (Prison-IV) Department,
Fort St.George,
Chennai-600 009.

2.The Superintendent of Prison,
Trichy Prison,
Trichy-620 620.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the first respondent to release the detenue Karunakaran, S/o.Swaminathan, aged about 67 years, bearing Convict No.98913, now confined at Central Prison Trichy, prematurely as per the letter, No.001/tha.Ku.1/2024, dated 03.01.2024 by the respondent and on the basis of the G.O.(Ms).No.488, dated 15.11.2021.



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

ORDER

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

The petitioner herein is the wife of the detenue Karunakaran, S/o.Swaminathan, aged about 67 years, bearing Convict No.98913, confined at Central Prison Trichy, has come forward with this writ petition seeking premature release.

2.The petitioner states that her husband was convicted for the offences under Section 323 r/w 149, 147, 436 r/w Section 149, 302 r/w 149 and 323 IPC (2 counts) on the file of the II Additional District and Sessions Judge, (Protection of Civil Rights), Thanjavur and sentenced to undergo one year of rigorous imprisonment for the offence under Section 147 IPC, ten years of rigorous imprisonment for the offence under Section 436 r/w 149 IPC, six months rigorous imprisonment for the offence under Section 323 r/w 149 IPC and sentenced to undergo life imprisonment for the offence under Section 302 r/w 149 IPC and to undergo six months rigorous imprisonment for the offence under Section



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323 r/w 149 IPC. The petitioner's case is that her husband is eligible for premature release as per G.O.(Ms).No.488, Home (Prison-IV) Department, dated 15.11.2021, since he has been in incarceration for the past 14 years in Central Prison, Trichy. Therefore, she made a representation dated 30.12.2023 to the respondents seeking premature release. 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 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 30.12.2023, seeking premature release and pass appropriate orders on merits and in accordance with law, within a period of (8) eight weeks from the date of receipt of a copy of this order, and communicate the same to the petitioner.



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5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Post the matter on 15.04.2024 for recording compliance.

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

16.02.2024

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Anu

To

1. The Secretary to the Government of TN,
Home (Prison-IV) Department,
Fort St. George,
Chennai-600 009.

2. The Superintendent of Prison,
Trichy Prison,
Trichy-620 620.

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



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