



WEB COPY



W.P.No.3901 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.3901 of 2024
and W.M.P.No.4227 of 2024

E.Mani

... Petitioner

Vs.

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

2.The Inspector General of Prisons,
Prison Department,
Whannels Road, Ansari Estate,
Egmore, Chennai-600 008.

3.The Director Inspector General of Prison,
Coimbatore Range,
Coimbatore Central Prison,
Coimbatore-641 018.

4.The Superintendent of Prisons,
Central Prison, Coimbatore,
Coimbatore-641 018.

... 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's brother namely Chinnadurai, son of Subbramani (Convict No.17143) now confined at Central Prison, Coimbatore under premature release on the basis of G.O.(Ms).No.488, Home (Prison-IV) Department, dated 15.11.2021 or under Advisory Board proceedings under Rule 341 of the Tamil Nadu Prison Rules or any other appropriate order or Government Scheme by considering the petitioner's representation dated 19.11.2023 in accordance with law.

For Petitioner : Mr.B.Shruthan

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 who is the brother of the convict prisoner viz., Chinnadurai, son of Subbramani, now confined at Central Prison, Coimbatore, has come forward with this writ petition seeking premature release for his brother.



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2.The petitioner states that his brother was convicted and sentenced to undergo imprisonment for life for the offence under Section 302 IPC and sentenced to undergo 5 years for the offence under Section 382 IPC. The said conviction has been confirmed by this Court in CrI.A.No.448 of 2014 vide judgement dated 08.06.2016. Thereafter, the petitioner's brother preferred an appeal before the Hon'ble Supreme Court, which came to be dismissed on 04.07.2023. The petitioner's case is that his brother 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 more than 13 years in Central Prison, Coimbatore. Therefore, he made a representation dated 15.11.2021 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



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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 30.10.2023, 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, the connected miscellaneous petition is closed.

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

12.03.2024

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Anu



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- 5.The Public Prosecutor,
High Court, Madras.



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