



WEB COPY



W.P.No.4220 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.4220 of 2024

Mr.Rajkumar

... Petitioner

Vs.

1.The State represented by its,
The Home Secretary, Prison Department (IV),
St.George Fort, Secretariat,
Chennai – 600 009.

2.The Director General of Prison,
No.01, Gandhi Irwin Road, CMDA Building, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison at Puzhal-I,
Thiruvallur District – 600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to prematurely release the petitioner/Convict Prisoner namely Mr.M.Rajkumar, S/o.Marimuthu (CT No.2647) aged about 41 years in pursuance of the petitioner's mother's representation dated 13.11.2023 in



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the light of direction given by the Hon'ble Apex Court in *State of Tamil Nadu* – Vs. *P.Veera Bhaarithi* reported in **2019 (18) SCC 71**.

For Petitioner : Mr.M.Mohamed Saifulla
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 a life convict, has come forward with this Writ Petition seeking for premature release pursuant to his mother's representation dated 13.11.2023.

2. The petitioner states that he was convicted and sentenced to undergo life imprisonment for the offence under Section 302 of IPC with a fine of Rs.1000/- in default to undergo 6 months imprisonment, a fine of Rs.1000/- in default to undergo 6 months imprisonment under Section 201 of IPC and a fine of Rs.1000/- in default to undergo 3 months imprisonment under Section 498(A) of IPC by the learned Additional District Sessions Judge, Fast Track Court No.IV, Ponneri in S.C.No.129



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of 2008 on 23.06.2009. Aggrieved against the said order, the petitioner filed CrI.A.No.467 of 2009 and the same came to be dismissed by the Division Bench of this Court on 07.12.2009. Thereafter, he filed SLP.CrI.No.12139 of 2010 before the Hon'ble Apex Court and the same came to be dismissed on 06.07.2010. He also relied upon the Government Order passed by the first respondent in G.O.Ms.No.488, Home (Pri-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 ***State of Tamil Nadu Vs. P.Veera Bhaarithi*** reported in ***2019 (18) SCC 71***. Further, the petitioner states that his mother has given a representation on 13.11.2023 seeking for premature release for the petitioner. 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



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Petition, this Court, without going into the merits of the petitioner's mother'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 mother dated 13.11.2023, seeking to release the petitioner 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.

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

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Chennai – 600 009.

2.The Director General of Prison,
No.01, Gandhi Irwin Road, CMDA Building, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison at Puzhal-I,
Thiruvallur District – 600 066.

4.The Public Prosecutor,
High Court, Madras.



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