



W.P.No.4395 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.4395 of 2023

V. Devagi

... Petitioner

Vs.

1.The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.

2.The Director General of Police &
Director General of Prisons and Correctional Service,
Whannels Road,
Egmore, Chennai 600 008.

3. The Superintendent of Prison,
Central Prison, Cuddalore 607 004.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the representation dated 13.01.2024 made by the petitioner for premature release of petitioner's Son Muthu, S/o. Vembu, aged 42 years,



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convict No.10408, convict prisoner, Central Prison, Cuddalore, under the schemes of premature release of life convicts.

For Petitioner : Mr.P. Pugalenth
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 of the convict prisoner namely Muthu, S/o. Vembu, aged 42 years, now confined in the Central Prison, Cuddalore, has come forward with this writ petition to direct the respondents to consider her representation dated 13.01.2024 for premature release of her son.

2. The case of the petitioner is that her son is a life convict prisoner, Central Prison, Cuddalore, bearing Convict No.10408, who was convicted for the offences under Section 376(2)(f) IPC and Section 3(2)(v) of SC/ST (POA) Act 1989 and sentenced to undergo life imprisonment by the learned Principal District Sessions Judge, Villupuram, in S.C. No.204 of 2001 dated 29.10.2002. Since the petitioner's son had completed more than



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17 years of actual imprisonment, the petitioner made a representation, dated 13.01.2024, to the respondents requesting for premature release of her son as per G.O.(Ms) No.488 Home (prison-IV) Department dt. 15.11.2021 and also on the ground of poor health condition of her son. Since the same has not been considered till date, she 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 13.10.2023 for premature release of her son and pass appropriate orders on merits and in accordance with law, within a period of three months 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.

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[M.S.R., J] [S.M., J]
23.02.2024

bga

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
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2. The Director General of Police &
Director General of Prisons and Correctional Service,
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Egmore, Chennai 600 008.
3. The Superintendent of Prison,
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4. The Public Prosecutor,
High Court, Madras.



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