



WEB COPY



W.P.No.7599 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.7599 of 2024
and W.M.P.No.8817 of 2024

Krishnan

... Petitioner

Vs.

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

2.The Director General of Prisons,
Gandhi Irwin Road, CMDA Building,
2nd Tower, Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison at Salem,
Hasthampatty, Salem – 7.

... 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 consider the petitioner's representation dated 07.02.2024



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within time limit and consequently direct the respondents to release the convict prisoner/petitioner namely Mr.Krishnan, S/o.Kothandam (CT No.6932), who is confining at Central Prison, Salem.

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 herein, was convicted for the offences under Section 302 of IPC and was sentenced to undergo life imprisonment; under Section 364 of IPC, he was sentenced to undergo 2 years imprisonment and under Section 379 of IPC, he was sentenced to undergo 1 year imprisonment. The petitioner is imprisoned for the past 24 years. Relying upon the Government Order passed by the first respondent in G.O.Ms.No.488, dated 15.11.2021, the petitioner had given a representation on 07.02.2024, seeking for premature release. Since the said representation has not been considered till date, the present Writ Petition has been filed.



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2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In view of the above observation, 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 07.02.2024, seeking for premature release, if not already disposed of and



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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. Connected miscellaneous petition is closed.

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

24.04.2024

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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To

- 1.Home Secretary (Prison-IV),
Home Department, Secretariat,
Fort St.George, Chennai – 600 009.
- 2.The Director General of Prisons,
Gandhi Irwin Road, CMDA Building,
2nd Tower, Egmore, Chennai – 600 008.
- 3.The Superintendent of Prison,
Central Prison at Salem,
Hasthampatty, Salem – 7.
- 4.The Public Prosecutor,
High Court,
Madras.



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M.S.RAMESH, J.
and
SUNDER MOHAN, J.

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