



W.P.No.9486 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.9486 of 2024

S.Suresh

... Petitioner

Vs.

1.The Secretary to Government,
Home Department,
Fort St. George,
Chennai-600 009.

2.The Superintendent of Central Prison,
Central Prison-1,
Puzhal,
Chennai-600 066.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the first respondent to consider the name of the petitioner for premature release vide G.O.Ms.No.488, Home [Prison-IV] Department, dated 15.11.2021.



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W.P.No.9486 of 2024

For Petitioner : Mr.D.Sathya

For Respondent : Mr.E.Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

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

The petitioner, who is a life convict, has come forward with this Writ Petition seeking for premature release by recommending his name vide G.O.Ms.No.488, Home [Prison-IV] Department, dated 15.11.2021.

2. The petitioner states that he was convicted vide order dated 28.03.2011 made in S.C.No.89 of 2010 on the file of the District and Sessions, Fast Track Court No.4, Chennai, and sentenced to undergo imprisonment for life and a fine of Rs.1,000/- in default to undergo rigorous imprisonment for 6 months for the offence under Section 302 r/w 34 IPC, and to undergo rigorous imprisonment for 10 and a fine of Rs.1,000/- in default to undergo 6 months of rigorous imprisonment for the offence under Section 449 r/w 34 IPC, and to undergo sentence for a



W.P.No.9486 of 2024

period of 7 years and a fine of Rs.1,000/- in default to undergo rigorous imprisonment for 6 months. Aggrieved by the said order, the petitioner preferred CrI.A.No.299 of 2011, and this Court vide its order dated 16.11.2011 had confirmed the order of the lower Court. Challenging the same, the petitioner has also preferred a Special Leave Petition in SLP.CrI.No.7726 of 2012 before the Hon'ble Supreme Court, and the same came to be dismissed vide order dated 21.09.2012. He further states that he is eligible for premature release under G.O.Ms.No.488, Home [Prison-IV] Department, dated 15.11.2021, and hence, he has come forward with this Writ Petition to consider his name for the premature release.

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

4. In the light of the above and having regard to the limited scope of the prayer in the Writ Petition, the petitioner is granted liberty to give a fresh representation to the respondents herein, ventilating his



W.P.No.9486 of 2024

WEB COPY

grievances. On receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of two (2) months from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondents to consider the same on its own merits.

5. With the above direction, this Writ Petition stands disposed of.

No costs.

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

26.04.2024

Index: Yes/No

Speaking/Non-speaking order

Anu



W.P.No.9486 of 2024

WEB COPY

To

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2.The Superintendent of Central Prison,
Central Prison-1,
Puzhal,
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3.The Public Prosecutor,
High Court,
Madras.



WEB COPY



W.P.No.9486 of 2024

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W.P.No.9486 of 2024

26.04.2024