



W.P.No.13767 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.13767 of 2024
and W.M.P.No.14934 of 2024

M.Veeran @ Venkatesan

... Petitioner

Vs.

1.The Principal 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-4.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Mandamus, to direct the respondents



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to consider the representation dated 05.04.2024 made by the petitioner namely M.Veeran @ Venkatesan, S/o.Munusamy, aged 44 years, Life Convict, Ct.No.14168, now confined at Central Prison, Cuddalore and release him under the G.O.(Ms).No.430 Home (Prison-IV) Department, dated 11.08.2023, for premature release of life convict's schemes, within a reasonable period.

For Petitioner : Mr.P.Pugalenth
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

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

The petitioner herein, who is a life convict, confined at Central Prison, Cuddalore, has come forward with this Writ Petition to consider his representation dated 05.04.2024, for premature release.

2. The petitioner stated that he was arrested with regard to Crime No.376 of 2009 and convicted by the learned Principal District Judge, Villuppuram vide S.C.No.297 of 2010 dated 08.10.2010 for the offence



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under Section 302 IPC (two counts) and sentenced to under life imprisonment. The trial Court, in its order, imposed a condition that the appellant therein should not be released from prison till the rest of his life. Aggrieved by the said order, the petitioner preferred Crl.A.No.305 of 2022 before this Court and this Court set aside the portion of the finding of the trial Court which directed the appellant therein not to be released till his last breath and partly allowed the appeal. The petitioner further stated that the first respondent, in exercise of its power under Article 161 of the Constitution of India, vide G.O.(Ms).No.430, Home (Prison-IV) Department, dated 11.08.2023 released more than 100 life convicts who had completed 14 years of actual imprisonment. Though the petitioner herein had completed more than 14 years of imprisonment, his name was not considered. Therefore, he made a representation dated 05.04.2024 before the respondents. 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.



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4. 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.

5. 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 05.04.2024, for premature release, 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.



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

No costs. Consequently, the connected miscellaneous petition is closed.

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

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Index: Yes/No

Speaking/Non-speaking order

Anu

To

1.The Principal 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-4.

4.The Public Prosecutor,
High Court,
Madras.

M.S.RAMESH, J.
and



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