



WEB COPY



W.P.No.29656 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

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Sheik Meeran

... Petitioner

Vs.

1. State of Tamil Nadu,
Principal Secretary to the Government,
Home, Excise and Prohibition and Department,
Secretariat, Fort St.George,
Chennai.
2. The Superintendent of Prisons,
Central Prison, Cuddalore,
Cuddalore.

... 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 process the representation given by the petitioner Mr.Sheik Meeran S/o. P.M.S.Ali Life Convict Prisoner No.15588) dated 20.03.2024 to prematurely release the petitioner.



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For Petitioners : Mr.G.Sriram
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The writ petition has been instituted to direct the first respondent to process the representation given by the petitioner dated 20.03.2024 seeking premature release.

2. The learned Counsel for the petitioner would submit that multiple mercy petitions are entertainable and condition imposed while commuting the death sentence also may be reconsidered either by his Excellency the President of India or by the Governor by entertaining further mercy petition. The power conferred under Article 161 to pardon is wider enough to entertain such mercy petition. Therefore, direction as such sought for is to be considered.

3. The learned Additional Public Prosecutor appearing on behalf of the respondents produced the original file relating to the petitioner, who is the life convict prisoner. The life convict prisoner viz., Sheik Meeran, S/o. P.M.S.Ali,



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Life Convict Prisoner No.15588 was convicted in Kottar Police Station in Crime

No.1151/1994 under section Section 302, 148 of IPC, under Section 3, 5 of Explosive Substances Act and sentenced to death penalty under Section 302 of IPC, under Section 148 of IPC, sentenced to undergo 6 months R.I, under Section 3 of Explosive Substances Act, sentenced to undergo 3 months Rigorous Imprisonment and under Section 5 of Explosive Substances Act, sentenced to undergo 3 months Rigorous imprisonment.

4. All the sentence were ordered to run concurrently with death sentence as per the Judgment dated 05.10.1998 in S.C.No.392 of 1997. The death sentence awarded to the life convict prisoner was confirmed on appeal as per the orders of the High Court of Madras in R.T.No.4/1998 & C.A.No.1010/1998 dated 30.04.1999. The Hon'ble Supreme Court of India also confirmed the death sentence in SLP No.1990-1991/1999 dated 21.06.1999.

5. The life Convict prisoners preferred Mercy Petition to his Excellency the President of India through the Government of Tamil Nadu. The Mercy Petitions were considered and the death sentence was commuted to life imprisonment with the condition that *"the prisoners shall remain in prison for the whole of remainder of their natural lives and there shall be no remission of the term of imprisonment."* The decision of his Excellency the President of India was communicated vide letter dated F.No.14/4/1999-judicial cell, dated



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17.02.2012, to the Joint Secretary (Judicial) to Government of India, Ministry of Home Affairs, New Delhi and in turn it was communicated to the Principal Secretary to Government, Home Department, Chennai vide letter dated 25.06.2012.

6. Thereafter, further mercy petition was submitted by the convict prisoner before the Hon'ble Governor on 20.03.2024. Since the petition was kept pending, the present writ petition came to be instituted, seeking a direction to dispose of the same.

7. Entertainability of mercy petition itself is questionable, in view of the specific condition imposed by his Excellency the President of India, while commuting the death sentence to life imprisonment. The condition imposed by his Excellency the President of India while commuting death sentence cannot be re-adjudicated by the Courts in a writ petition under Article 226 of Constitution of India. The death penalty passed by the Sessions Court was confirmed by the High Court and the Hon'ble Supreme Court of India. His Excellency the President of India commuted the death sentence to life imprisonment by imposing conditions. Therefore, entertainability of the petition itself is doubtful and further, the High Court cannot entertain any such writ petition seeking a direction to dispose of such representation, in view of the facts as stated above.



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8. Accordingly, the Writ Petition stand **dismissed**. No costs.

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[S.M.S., J.]

[M.J.R., J.]

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Index: Yes/No

Speaking/Non-speaking order

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To

1. Principal Secretary to the Government,
Home, Excise and Prohibition Department,
Secretariat, Fort St.George,Chennai.
2. The Superintendent of Prisons,
Central Prison, Vellore,
Vellore.
3. The Superintendent of Prisons,
Central Prison, Salem,
Salem.
4. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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AND
M.JOTHIRAMAN, J.

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