



WEB COPY



W.P.No.33370 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM :

THE HON'BLE MR. JUSTICE M.S.RAMESH

AND

THE HON'BLE MR. JUSTICE SUNDER MOHAN

W.P.No.33370 of 2023

and

W.M.P.Nos.33099 and 33103 of 2023

Mani @ Kovai Mani

...Petitioner

VS.

1. State by: The Additional Chief Secretary
Government of Tamil Nadu
Home (Prison – IV) Department,
Secretariat, Chennai – 600 009.

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

3. The Superintendent of Prisons
Central Prison – I,
Puzhal, Chennai – 600 066.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records in the order bearing No.in with order in G.O(D). No.701 Home (Prison-IV) Department, dated 20.06.2023 passed by the respondent no.1 and quash the same and directing the respondents to release the petitioner namely Mani @ Kovai Mani, S/o.Krishnan, aged 56 years, Ct.No.1249, Life Convict Prisoner, now convicted in the Central Prison – 1, Puzhal under the Advisory Board Scheme.

For Petitioner : M/s.S.Nadhiya
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 life convict viz., Mani @ Kovai Mani S/o.Krishnan, aged 56 years, (CT-1249), confined in Central Prison - I, Puzhal, has come forward with this writ petition to call for the records in the order bearing No.G.O(D).No.701 Home (Prison-IV) Department, dated:20.06.2023 passed by the respondent no.1, quash the same and directing the respondents to release him under the Advisory Board Scheme.



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2. The petitioner/Convict Prisoner stating that the Advisory Board has not been properly constituted and has not followed the rule 341(3) of the Tamil Nadu Prison Rules 1983. Hence, he challenged the rejection order of the respondents impugned in this Writ Petition.

3. Mr.E.Raj Thilak, the learned Additional Public Prosecutor, on instructions submitted that the petitioner's request for premature release is under consideration of the Government under G.O.No.430 dated 11.08.2023.

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

5. Though the petitioner herein has challenged the rejection order of the Government and sought for release of the petitioner under the Advisory Board Scheme, we are of the view that the respondents can be directed to consider the petitioner's request in this regard within a period of



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three months from the date of receipt of a copy of this order, and
communicate the same to the petitioner.

6. With the above direction, this Writ Petition is disposed of.
Consequently, the connected Writ Miscellaneous Petitions are closed.

7. List the case “For Reporting Compliance” on 05.06.2024.

(M.S.R.,J) (S.M.,J)
08.02.2024

Index: yes/no
Neutral citation : yes/no
dk



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