



WEB COPY



W.P.No.35399 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.35399 of 2023

K.Mottaiyan @ Perumal

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The Director General of Police/
Director General of Prison and Correctional Service,
Whannels Road,
Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison,
Coimbatore – 18.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to consider the representation dated 11.04.2023 made by the petitioner for premature release of the petitioner under the scheme of 1994 policy of premature release of life convicts, within a reasonable period.



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For Petitioner : Mr.P.Pugalenth
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

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

The petitioner, who is a life convict, now confined in the Central Prison, Coimbatore, has come forward with this writ petition seeking premature release.

2.The petitioner states that he was convicted and sentenced to undergo life imprisonment in S.C.No.137 of 1992 dated 10.08.1993. The petitioner was further convicted and sentenced to undergo life imprisonment in S.C.No.103 of 2001 dated 04.09.2001. The petitioner's case is that he is eligible for premature release as per G.O.(Ms).No.64 Home (Prison-IV) Department dated 01.02.2018, since he has been in incarceration for the past 22 years in Central Prison, Coimbatore. Therefore, he made a representation dated 11.04.2023 to the respondents seeking premature release. Since the same has not been considered till date, he has come forward with this writ petition.



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

4. Having regard to the limited scope of the prayer in the writ petition, 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 11.04.2023, seeking premature release and pass appropriate orders on merits and in accordance with law, within a period of four weeks 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 is disposed of. No costs.

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

03.01.2024

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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W.P.No.35399 of 2023

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

Sni

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
- 2.The Director General of Police/
Director General of Prison and Correctional Service,
Whannels Road,
Egmore, Chennai – 600 008.
- 3.The Superintendent of Prison,
Central Prison,
Coimbatore – 18.
- 4.The Public Prosecutor,
High Court, Madras.

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