



WEB COPY



W.P.No.35334 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.35334 of 2023
and W.M.P.No.35308 of 2023

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... Petitioner/wife of the detenu

Vs.

The State Represented by

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

2.The Director General of Police,
(Head of the Prisons),
Prison Headquarters, Gandhi Irwin Road,
Egmore, Chennai-600 008.

3.The Deputy Inspector General of Prisons (Chennai Range),
Office of DIG Prisons,
Central Prison Campus,
Puzhal, Chennai-600 066.

4.The Superintendent,
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 Mandamus, directing the respondents to release the petitioner's husband viz., Babu, S/o.Sami, aged about 63 years, Convict No.6555, a life convict confined at Central Prison-I, Puzhal, Chennai, prematurely as per Rule 341 of the Tamil Nadu Prison Manual Vol-II to secure the ends of justice.

For Petitioner : Mr.D.Mario Johnson

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

ORDER

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

The petitioner's husband, named, Babu, S/o.Sami, aged about 63 years, Convict No.6555, confined at Central Prison-I, Puzhal, Chennai, has come forward with this writ petition seeking premature release of her husband.

2.The petitioner states that her husband was convicted and sentenced to undergo life imprisonment for the offence under Sections 307, 302 r/w Section 34 IPC by the learned Additional Sessions Court VII, Chennai in S.C.No.73 of 1991. The petitioner's case is that her



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husband is eligible for premature release as per G.O.(Ms).No.488, Home (Prison-IV) Department, dated 15.11.2021, since he has been in incarceration for the past 10 years. Therefore, she made a representation dated 11.07.2023 to the respondents seeking premature release of her husband. Since the same has not been considered till date, she 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.

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 11.07.2023, seeking premature release and pass appropriate orders on merits and in accordance with law, within a period of (3) three months from the date of receipt of a copy of this order, and communicate the same to the petitioner.



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WEB COPY 5. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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

25.03.2024

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Anu

To

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

2. The Director General of Police,
(Head of the Prisons),
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5. The Public Prosecutor,
High Court, Madras.



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

Anu

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