



WEB COPY



W.P.No.2264 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.2264 of 2024

Joseph Napoleon.M

... Petitioner

Vs.

1.The Home Secretary,
Home Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Director General of Police and
Inspector General of Prisons,
Whannels Road, Egmore,
Chennai-600 008.

3.The Deputy Director General of Prison,
O/o.Deputy Director General of Prison,
Vellore Central Prison, Vellore District.

4.The Superintendent of Prison,
Cuddalore Central Prison,
Cuddalore District.

... Respondents

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



W.P.No.2264 of 2024

to premature release of the Life Convict, Lenin @ Murugan, S/o. Late Charles, CT-15132, as per the G.O.Ms.488 dated 15.11.2021, Home (Pri-IV) Department, in pursuant to the petitioner's representation to the respondents dated 30.10.2023.

For Petitioner : Mr.P.Muthamizhselvakumar
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 brother, named, Lenin @ Murugan, who is a life convict, now confined in the Central Prison, Cuddalore, has come forward with this writ petition seeking premature release.

2.The petitioner states that his brother was convicted and sentenced to undergo one month rigorous imprisonment for the offence under Section 341 IPC and life imprisonment (two courses) for the offence under Section 302 IPC in S.C.No.93 of 2005 dated 31.06.2007. In the course of the trial proceedings, a case was registered in Cr.No.1393 of 20005, and he was convicted and imposed sentence for 10



W.P.No.2264 of 2024

weeks in C.C.No.43 of 2006. The petitioner's case is that his brother 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 17 years in Central Prison, Cuddalore. Therefore, he made a representation dated 30.10.2023 to the respondents seeking premature release. Since the same has not been considered till date, he 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 30.10.2023, seeking premature release and pass appropriate orders on merits and in accordance with law, within a period of (8) eight weeks from the date of receipt of a copy of this order, and communicate the same to the petitioner.



W.P.No.2264 of 2024

5. With the above direction, this writ petition is disposed of. No costs.

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

02.02.2024

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

Anu

To

1. The Home Secretary,
Home Department,
Secretariat, Fort St. George,
Chennai-600 009.

2. The Director General of Police and
Inspector General of Prisons,
Whannels Road, Egmore,
Chennai-600 008.

3. The Deputy Director General of Prison,
O/o. Deputy Director General of Prison,
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4. The Superintendent of Prison,
Cuddalore Central Prison,
Cuddalore District.

5. The Additional Public Prosecutor,
High Court, Madras.



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W.P.No.2264 of 2024

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

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W.P.No.2264 of 2024

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