



W.P.(MD).No.2956 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.02.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.P.(MD).No.2956 of 2024
and
W.M.P.(MD).No.2951 of 2024

M.Sudha

.. Petitioner

Vs.

- 1.The State of Tamil Nadu, Represented by,
The Principal Secretary to Government,
Home (Prison-IV) Department,
State of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai - 9.
- 2.The Additional Director General of Police /
Inspector General of Prisons,
C.M.D.A. Towers II,
No.1 Gandhi Irvin Road,
Egmore,
Chennai - 8.
- 3.The Deputy Inspector General of Prison,
Office of the Deputy Inspector General of Prison,
Trichy Division,
Trichy.



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

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to premature release the petitioner's husband by name K.Murugapandiyan, (ENR.No.688) son of Komban, aged about 45 years now lodged and confined at Central Prison, Trichy have completed the more than 15 years of actual sentence on the basis of the Hon'ble Justice Mr.Athinathan Committee recommendation and the advisory board scheme Rule 341 (2) Tamil Nadu Prison Rules, 1983 by considering petitioner's representation dated 08.12.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Prakash

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

The present Writ Petition is filed for Mandamus seeking direction to the respondents to consider the premature release of the petitioner's husband, who is a life convict.

2. According to the petitioner, her husband, K.Murugapandiyan, who is a life convict confined at Central Prison, Trichy, is entitled for premature



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release in view of the Government Orders passed by the Government from time to time and also under the recommendation of the Hon'ble Justice Mr.Athinathan Committee followed by G.O.(Ms)No.430, Home (Prison-IV) Department, dated 11.08.2023. However, the petitioner's representation dated 08.12.2023, seeking premature release of her husband, has not yet been considered by the prison authorities and therefore, the present Writ Petition is filed.

3. The learned Additional Public Prosecutor appearing for the respondents, on notice, has filed a statement of the prison records, which indicates that the petitioner's husband is one of the accused in Crime No.136 of 1999 involving triple murder and he suffers life imprisonment. Earlier, relying upon G.O.(Ms)No.64, Home (Prison-IV) Department, dated 01.02.2018, when request for premature release was made, it was negatived since the convict did not complete 10 years of imprisonment on the date of consideration. Subsequently, when he sought for premature release, under G.O.(Ms)No.488, Home (Prison-IV) Department, dated 15.11.2021, his request was not considered since he was involved in more than one murder.



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4. However, presently, the convict has completed 14 years of imprisonment and the petitioner's request is now yet to be placed before the Advisory Board as per G.O.(Ms)No.430, Home (Prison-IV) Department, dated 11.08.2023. Hence, the learned Additional Public Prosecutor seeks twelve (12) weeks' time to dispose of the petitioner's representation after obtaining the report of the Advisory Board.

5. Recording the above submission, this Writ Petition is disposed of with a direction to the respondents to consider the petitioner's representation dated 08.12.2023 and pass appropriate orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(G.J.,J.) (C.K.,J.)
29.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To

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Trichy District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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