



WMP(MD) No.4704 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Eleventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
AND
The Hon`ble Mr.Justice C. KUMARAPPAN

WMP(MD) No.4704 of 2024
IN
WP(MD) No.25085 of 2022

SEENATH

... PETITIONER

Vs

1 THE PRINCIPAL SECRETARY TO GOVERNMENT,
O/O. THE PRINCIPAL SECRETARY TO GOVERNMENT,
HOME (PRISON IV) DEPARTMENT,
SECRETARIAT,
ST. GEORGE FORT,
CHENNAI.

2 THE ADDITIONAL DIRECTOR GENERAL OF PRISON,
O/O. THE ADDITIONAL DIRECTOR GENERAL OF PRISON,
WHANNELS ROAD,
EGMORE,
CHENNAI.

3 THE SUPERINTENDENT OF CENTRAL PRISON,
CENTRAL PRISON,
PALAYAMKOTTAI,
TIRUNELVELI.

... RESPONDENTS



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Writ Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to extend an interim bail period for 3 months upon the order passed on favour of petitioners son in WMP(MD) 17155/2023 dated 03.11.2023 till pending disposal of main writ petition in WP(MD) 25085/2022.

PRAYER in WMP(MD)No.17155/2023:

To direct the Respondent No.2 and 3 to grant Interim parole for a period of 6 months to Petitioners son namely Rahmathullah who is a life convict in a murder case and languishing in Palayankottai Central Prison for the past 24 years by considering the affidavit along with the writ petition on W.P.(MD) No. 25085 of 2022.

Prayer in WP(MD). 25085/ 2022 :

To issue a Writ of Certiorarified Mandamus, to call for the records of Impugned G.O.(D).NO. 108 dated on 29.01.2022 issued by the respondent No.2 and quash the same as bad in law and direct the respondent No.2 to release the petitioners son prematurely on considering the relevant G.Os.

ORDER : This Writ Miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.SMA JINNAH, Advocate for the petitioner, the Court made the following order:-

The present application is filed to extend the interim bail granted to the petitioner's son by this Court in W.M.P.(MD).No.17155 of 2023 vide order dated 03.11.2023.

2. The mother of the convict has filed the Writ Petition seeking Certiorarified Mandamus to quash the impugned order dated 29.01.2021, declining the request for



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premature release of her son. However, pending Writ Petition, certain events have happened, which is taken note of by this Court and the convict was granted interim bail for three months, in view of the fact that the Advisory Board has recommended his premature release and a proposal has been sent to the Governor for passing appropriate orders.

3. The said interim bail was further extended for a period of four weeks and before expiry of the leave period, the matter was taken up for consideration on 07.03.2024. At that time, the learned Additional Public Prosecutor appearing for the respondents submitted that till date, the office of the Governor has not communicated about the proposal sent for premature release.

4. Meanwhile, on expiry of the leave period, the convict has surrendered before the prison authorities on 09.03.2024 and he has made a representation to the authorities on 08.03.2024 to take note of the fact that his case has already been sympathetically and favourably considered for premature release and appropriate orders to that effect is awaited. Hence, under Rule 40 of the Suspension of Sentence Rules, 1982, by exercising inherent powers, the convict had sought for grant of leave without escort.

5. The communication of the Principal Secretary to Government dated 08.03.2024 indicates that in S.C.No.140 of 2000 on the file of the Fast Track Sessions



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Court No.II, Trichy, there were six convicts and the petitioner's son is one among them. It is further stated that already one of the convicts had been prematurely released by the Government in exercise of the power under Article 161 of the Constitution of India and the case of the petitioner's son is under active consideration at the high level.

6. In the light of the above fact, this Court is of the view that the representation of the convict/petitioner's son dated 08.03.2024 shall be considered at the earliest, since in a similar situation, the other convict has been granted interim bail for three months, which was further extended for three months. Accordingly, the respondents are directed to consider the representation of the convict dated 08.03.2024 and pass appropriate orders on merits and in accordance with law within a period of two (2) weeks.

7. With the above direction, this Writ Miscellaneous Petition is disposed of. Post the main Writ Petition on 26.03.2024.

sd/-
11/03/2024

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/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LM



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TO

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1 THE PRINCIPAL SECRETARY TO GOVERNMENT,
O/O. THE PRINCIPAL SECRETARY TO GOVERNMENT,
HOME (PRISON IV) DEPARTMENT,
SECRETARIAT, ST. GEORGE FORT, CHENNAI.

2 THE ADDITIONAL DIRECTOR GENERAL OF PRISON,
O/O. THE ADDITIONAL DIRECTOR GENERAL OF PRISON,
WHANNELS ROAD, EGMORE, CHENNAI.

3 THE SUPERINTENDENT OF CENTRAL PRISON,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI.

COPY TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
TIRUCHIRAPPALLI.

2 THE INSPECTOR OF POLICE, MELAPALAYAM POLICE STATION,
TIRUNELVELI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+ 1 CC TO Mr.SMA.JINNAH, ADVOCATE IN SR No.3017 dated 11/03/2024

ORDER

IN

WMP(MD) No.4704 of 2024

IN

WP(MD) No.25085 of 2022

Date :11/03/2024

SS/GS/SAR- /15/03/2024/5P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023