



W.P.(MD) No.9924 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.P.(MD) No.9924 of 2024
and
W.M.P.(MD) No.8993 of 2024**

S.Rajeshwari

... Petitioner

-VS-

- 1.The State of Tamil Nadu
rep.by the Principal Secretary to Government
Home (Prison-IV) Department
State of Tamil Nadu
Secretariat, St.George Fort
Chennai-9
- 2.The Inspector General of Prisons
C.M.D.A.Towers II
No.1, Gandhi Irvin Road
Egmore, Chennai-8
- 3.The Deputy Inspector General of Prisons
Office of the Deputy Inspector General of Prison
Madurai Division, Madurai Central Prison Campus
Madurai-16



W.P.(MD) No.9924 of 2024

4. The Superintendent of Prison
Palayamkottai Central Prison
Tirunelveli District

... Respondents

PRAYER: 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 Sathishkumar (C.P.No.5247), son of Ponmani, aged about 38 years, now lodged and confined at Palayamkottai Central Prison have completed the more than 14 years of actual sentence on the basis of G.O.Ms.No.488 of 2021 and G.O.Ms.No.430 of 2023, by considering the petitioner's representation dated 29.02.2024 in accordance with law, within a time stipulated by this Court.

For Petitioner : Mr.R.Prakash

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Prayer in this writ petition is to direct the respondents to premature release the petitioner's husband, namely, Sathishkumar (C.P.No. 5247), son of Ponmani, aged about 38 years, now confined at Palayamkottai



W.P.(MD) No.9924 of 2024

WEB COURT

Central Prison, on the basis of G.O.Ms.No.488 of 2021 and G.O.Ms.No.430 of 2023, by considering the petitioner's representation dated 29.02.2024 in accordance with law, within a time stipulated by this Court.

2. It is the case of the petitioner that her husband was convicted by the learned Additional District and Sessions Judge, Fast Track Court No.I, Thoothukudi, by judgment dated 11.06.2010 in S.C.No.243 of 2008, for the offence under Sections 302 r/w 34, 148, 449 and 506(ii) (two counts) I.P.C., and he was sentenced to undergo life imprisonment for the offence under Section 302 r/w 34 I.P.C., and to pay a fine of Rs.500/-, in default, to undergo simple imprisonment for one year, to undergo imprisonment for one year for the offence under Section 148 I.P.C., and to pay a fine of Rs.250/-, in default to undergo simple imprisonment for one month, to undergo imprisonment for two years for the offence under Section 449 I.P.C., and to pay a fine of Rs. 250/-, in default to undergo one month simple imprisonment (for each count) and to undergo one year imprisonment for the offence under Section 506(ii) I.P.C., (for each count) and to pay a fine of Rs.250/- in default to undergo one month simple imprisonment (for each count).



W.P.(MD) No.9924 of 2024

WEB COPY

3. Learned counsel for the petitioner would submit that the petitioner is in imprisonment for more than fourteen years without any remarks. Therefore, the petitioner's husband is entitled for premature release based on G.O.Ms.No.488 of 2021, Home (Prison-IV) Department, dated 15.11.2021 and G.O.Ms.No.430, Home (Prison-IV) Department, dated 11.08.2023. Therefore, the petitioner made a representation, dated 29.02.2024, to the respondents. However, thereafter, no order has been passed by the respondents, based on the petitioner's representation. Hence, this writ petition.

4. Today, when the matter was taken up for hearing, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor, who takes notice for the respondents, on instructions, submitted that the petitioner's representation is under consideration and suitable orders would be passed in accordance with law.

5. In view of the above submission of the learned Additional Public Prosecutor appearing for the respondents, this writ petition is disposed of with a direction to the respondents to consider the petitioner's representation dated



W.P.(MD) No.9924 of 2024

WEB COPY 29.02.2024 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this Court. No costs. Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.] [K.R.S., J.]

24.04.2024

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

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To:

- 1.The Principal Secretary to Government,
Home (Prison-IV) Department,
State of Tamil Nadu,
Secretariat, St.George Fort,
Chennai-9.
- 2.The Inspector General of Prisons,
C.M.D.A.Towers II,
No.1, Gandhi Irvin Road,
Egmore, Chennai-8.
- 3.The Deputy Inspector General of Prisons,
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W.P.(MD) No.9924 of 2024

A.D.JAGADISH CHANDIRA, J.
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