



W.P.(MD) No.12754 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2024

CORAM:

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

W.P.(MD) No.12754 of 2024

Kambar Murugan

... 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 Director General of Prisons and
Correctional Service
O/o.The Director General of Prison
Chennai-600 008
- 3.The Deputy Inspector General of Prison
O/o.The Deputy Inspector General of Prison
and Correctional Services
Madurai Range, Madurai Central Prison Campus
New Jail Road, Madurai
- 4.The Superintendent of Central Prison
Central Prison
Palayamkottai, Tirunelveli

... Respondents



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WEB C **PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to release the petitioner prematurely in the light of G.O.Ms.No.488, Home (Prison IV) Department, dated 15.11.2021 and his good conduct inside the prison by considering the petitioner's representation dated 09.04.2024.

For Petitioner : Mr.S.M.A.Jinnah

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 release the petitioner prematurely, in the light of G.O.Ms.No.488, Home (Prison IV) Department, dated 15.11.2021 and his good conduct inside the prison, by considering the petitioner's representation dated 09.04.2024.

2. It is the case of the petitioner, he is in incarceration pursuant to the Judgment dated 30.04.2008, passed in S.C.No.376 of 1998, by the Additional Sessions Court, Fast Track Court No.I, Tirunelveli and the appeal



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preferred by him against the conviction and sentence imposed on him has been dismissed by this Court, by Judgment dated, 09.04.2013 in CrI.A.(MD) No.255 of 2008.

3. It is the further case of the petitioner that he is in imprisonment for the past twelve years without any remarks and therefore, he is entitled for premature release based on G.O.Ms.No.488 of 2021, Home (Prison-IV) Department, dated 15.11.2021. Hence, he made a representation, dated 09.04.2024, to the respondents. However, thereafter, no order has been passed by the respondents, based on his representation. Hence, he has filed the present 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, within a period of twelve weeks from the date of receipt of a copy of this Court.



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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 09.04.2024 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this Court. No costs.

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

14.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Principal Secretary to Government,
O/o.The Principal Secretary to Government,
Home (Prison IV) Department,
Secretariat, St.George Fort, Chennai.
- 2.The Director General of Prisons and
Correctional Service,
O/o.The Director General of Prison,
Chennai-600 008.
- 3.The Deputy Inspector General of Prison,
O/o.The Deputy Inspector General of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.



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4.The Superintendent of Central Prison,
Central Prison,
Palayamkottai, Tirunelveli.



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AND
K.RAJASEKAR, J.

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