



W.P(MD)No.14218 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.07.2024

CORAM

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

**W.P.(MD).No.14218 of 2024
and
W.M.P(MD)No.12473 of 2024**

P.Veeramakali

... Petitioner

Vs.

- 1.State of Tamil Nadu, Represented by
The Principal Secretary to Government,
Home (Prison-IV) Department,
Secretariat, Fort St. George,
Chennai-9.
- 2.The Director General of Police
Director General of Prison and Correctional Services,
Egmore, Chennai-8.
- 3.The Chairman of Advisory Board/District Collector,
Madurai.
- 4.The Superintendent of Prison,
Madurai Central Prison,
Madurai.

.. Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the first respondent to expedite the reconsideration process for the premature release of the petitioner's husband namely Balakrishnan, S/o.Vellaichami Thevar, a life convict prisoner (C.P.No.4554) as recommended by the Advisory Board i.e., 3rd respondent herein within the time frame stipulated by this Court.

For Petitioner : Mr.S.Srikanth

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

The present Writ Petition is filed by the petitioner for a writ of mandamus seeking to direct the first respondent to expedite the reconsideration process for the premature release of the petitioner's husband namely Balakrishnan, S/o.Vellaichami Thevar, a life convict prisoner (C.P.No.4554) as recommended by the Advisory Board i.e., 3rd respondent herein within the time frame stipulated by this Court.

2. The respondents have filed a status report.



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3. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner's husband had completed more than 14 years of incarceration. He was involving in the murder of 8 persons. Earlier, the case of the convict has been placed before the Advisory Board on 24.06.2024 and the Advisory Board had not recommended his case. Now, subsequently, the petitioner, based on her husband's medical conditions, has applied for premature release under G.O.(Ms)No.430, Home (Prison.IV) Department, dated 11.08.2023 and that her representation is pending before the appropriate authority.

4. Paragraph-4 of the status report filed by the respondents, dated 29.07.2024 is extracted hereunder:-

"4. It is submitted that as per proviso to sub rule (2) of rule 341 of the Tamil Nadu Prison Rules, 1983, since the petitioner has completed more than 14 years of incarceration, his case was placed before the Advisory Board on 24.06.2021 by the third respondent and the relevant records have been



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received wherein the Advisory Board has not recommended his case for premature release considering the gravity of the offence i.e., he along with 20 others was involved in the murder of 8 persons and a one and half year old infant and hence, the same is under consideration of the Government. Meanwhile, based on the guidelines issued in G.O(Ms)No.430, Home (Prison-IV) Department, dated 11.08.2023, a proposal for consideration of the Life Convict Prisoner No.4554, Krishnan @ Balakrishnan, son of Vellaisamy Thevar, confined in Central Prison, Madurai was received in Government from the Director General of Prisons and Correctional Services. After examination of the said proposal, the Government have considered the case of premature release of the Life Convict Prisoner No.4554, Krishnan @ Balakrishnan, son of Vellaisamy Thevar, confined in Central Prison, Madurai, favourably under the Medical Infirmities category and the connected file has now been sent to Health and Family Welfare Department for its specific opinion on the health condition of the above Life Convict Prisoner. Once the remarks is received from the Health and Family Welfare Department, after obtaining the approval of the Hon'ble Governor, appropriate orders in this regard will be issued, at the earliest."



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5. Taking into consideration the facts and circumstances of the case, we direct the first respondent to take steps for considering the petitioner's case as expeditiously as possible, preferably, within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(A.D.J.C.,J.) (K.R.S.,J.)
31.07.2024

NCC : Yes / No
Index : Yes / No
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To

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Chennai-9.
- 2.The Director General of Police
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- 3.The Chairman of Advisory Board/District Collector,
Madurai.
- 4.The Superintendent of Prison,
Madurai Central Prison,
Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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A.D.JAGADISH CHANDIRA,J.
and
K.RAJASEKAR,J.

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