



W.P.(MD) No.14715 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

CORAM:

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

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Chinnathambi

... 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 Prison
Office of the Deputy Inspector General of Prison
Madurai Division
Madurai Central Prison Campus
Madurai-16
- 4.The Superintendent of Prison
Palayamkottai Central Prison
Tirunelveli District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to release the petitioner's son by name Joseph (C.P.No.4766), son of Chinnathambi, aged about 42 years, now lodged and confined at Palayamkottai Central Prison, has completed more than 14 years of actual sentence on the basis of G.O.Ms.No.488 of 2021 and the Advisory Board Scheme Rule 341(2) of Tamil Nadu Prison Rules, 1983 and G.O.Ms.No.596 of 2023, by considering the petitioner's representation dated 31.05.2024, in accordance with law within the 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 release the petitioner's son prematurely, in the light of G.O.Ms.No.488, Home (Prison IV) Department, dated 15.11.2021, Advisory Board Scheme Rule 341(2) of Tamil Nadu Prison Rules, 1983 and G.O.Ms.No.596 of 2023, by considering the petitioner's representation dated 31.05.2024.



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2. It is the case of the petitioner, his son is in incarceration pursuant to the Judgment dated 11.06.2010, passed in S.C.No.243 of 2008, by the learned Additional District and Sessions Judge, Fast Track Court-I, Thoothukudi.

3. It is the further case of the petitioner that his son is in imprisonment for the past fourteen 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, Advisory Board Scheme Rule 341(2) of Tamil Nadu Prison Rules, 1983 and G.O.Ms.No.596 of 2023. Hence, he made a representation, dated 31.05.2024, 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 31.05.2024 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.]

04.07.2024

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.



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- 3.The Deputy Inspector General of Prison,
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AND
K.RAJASEKAR, J.

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