



W.P(MD) No.19027 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 06.08.2024

CORAM

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P(MD) No.19027 of 2024

R.Petchiammal

... Petitioner

Vs

1. The Principal Secretary,
Home (Prison) Department,
Secretariat,
St. George Fort,
Chennai - 600 009.

2. The Additional Chief Secretary,
Health and Family Welfare Department,
Secretariat,
St. George Fort,
Chennai - 600 009.



W.P(MD) No.19027 of 2024

3. The Director General of Prison and Correctional Services,
Tamil Nadu Prison Department,
No. 6, Whennals Road, Egmore,
Chennai - 600 008.

4. The Dean,
Tirunelveli Medical College Hospital,
High Ground, Palayamkottai,
Tirunelveli - 627 002.

5. The Deputy Inspector of General Prison and CS,
Office of DIG Prisons and CS, Madurai Range,
Arasaradi,
Madurai - 625 016.

6. The Superintendent of Prison,,
Central Prison For Men,
Palayamkottai,
Tirunelveli 627 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to release petitioner's husband Ramakrishnan (Aged 54



W.P(MD) No.19027 of 2024

years), S/o. Mahalingam, LCT. No. 2110, who is a life Convict in the Central Prison, Palayamkottai, on the basis of the Government order in G.O.(MS).No.430 Home (Prison-IV) Department, dated 11.08.2023 issued by the Respondent No.1 or G.O.(MS).No.488 Home (Prison - IV) Department, dated 15.11.2021 issued by the Respondent No.1 or under advisory board proceedings under Rule 341 of the Tamil Nadu Prison Rules or any other appropriate order or Government Scheme in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

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

ORDER

(Order of the Court was made by C.V.KARTHIKEYAN, J.)

The writ petition has been filed in the nature of a Writ of Mandamus seeking a direction primarily against the first respondent, the Principal Secretary, Home (Prison) Department, Secretariat, St. George Fort, Chennai - 600 009, to take a decision on the representation given by the petitioner on 29.07.2024 seeking to consider premature release of the



W.P(MD) No.19027 of 2024

petitioner, under the guidelines of G.O.(MS).No.488, Home (Prison - IV) Department, dated 15.11.2021 which had been issued by the said first respondent or under any other provision.

2. In the affidavit filed in support of the writ petition, the wife of the convict, has stated that her husband Ramakrishnan, had been convicted for the offence under Section 302 IPC, after trial in S.C.No.37 of 2011 by the learned Additional Sessions Judge, Fast Track Court No.II, Tuticorin, by judgment, dated 20.05.2011. Consequent to the finding of being the guilty of the offence, he had been sentenced with imprisonment for life sentence and also directed to pay a fine of Rs.1,000/- in default to undergo one year rigorous imprisonment. It had been stated that he has been incarcerated from the year 2011 onwards.

3.As a matter of fact, even prior to the date of judgment, he had also suffered imprisonment as a remand prisoner and as an under trial prisoner. Apart from other reasons, it has also been urged that on 15.06.2024 while discharging work in the prison as painter, he fell down from a height at about 20 feet and suffered multiple fractures. It is



W.P(MD) No.19027 of 2024

contended that he is still undergoing treatment at the Government Medical College Hospital, Tirunelveli.

4. Taking recourse to G.O.(MS).No.488, dated 15.11.2021 mentioned above, a representation has been given by the petitioner on 29.07.2024 seeking favourable consideration of the same.

5. On behalf of the respondents, the learned Additional Public Prosecutor stated that to examine whether the petitioner would be eligible under G.O.(MS).No.488, Home (Prison - IV) Department, dated 15.11.2021, the process would be to first get a report from the prison officials and thereafter, from the Deputy Inspector General of Prisons and later the opinion of the Government will have to be forwarded to the Governor for passing final orders. It is stated that this procedure would take some time and therefore, it is requested that reasonable time may be granted to consider the representation of the petitioner herein.

6. Taking into consideration that the representation of the petitioner, dated 29.07.2024 was just about a week back, we direct that



W.P(MD) No.19027 of 2024

the entire process of considering the representation should be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is hoped and that there would not be any bureaucratic delay and that final orders would be passed within that particular period.

7. It is also brought to our notice that an earlier representation has been given on 21.06.2024 seeking compensation for the injuries suffered. We are not expressing any opinion regarding that particular representation given by the petitioner.

8. Accordingly, the Writ Petition stands disposed of.

(C.V.K., J.) (J.S.N.P, J.)
06.08.2024

RM



W.P(MD) No.19027 of 2024

WEB COPY

To

1. The Principal Secretary,
Home (Prison) Department,
Secretariat,
St. George Fort,
Chennai - 600 009.
2. The Additional Chief Secretary,
Health and Family Welfare Department,
Secretariat, St. George Fort,
Chennai - 600 009.
3. The Director General of Prison and Correctional Services,
Tamil Nadu Prison Department,
No. 6, Whennals Road, Egmore,
Chennai - 600 008.
4. The Dean,
Tirunelveli Medical College Hospital,
High Ground, Palayamkottai,
Tirunelveli - 627 002.
5. The Deputy Inspector of General Prison and CS,
Office of DIG Prisons and CS, Madurai Range,
Arasaradi,
Madurai - 625 016.
6. The Superintendent of Prison,,
Central Prison For Men,
Palayamkottai,
Tirunelveli 627 002.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P(MD) No.19027 of 2024

C.V.KARTHIKEYAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

RM

W.P(MD) No.19027 of 2024

06.08.2024