



W.P(MD)No.18685 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.P(MD)No.18685 of 2024
and
W.M.P.(MD)No.15813 of 2024**

Kanagavalli

... Petitioner

Vs.

- 1.The State of Tamil Nadu Rep. by,
The Additional Chief Secretary,
Home (Prison) Department,
Secretariat, St. George Fort,
Chennai – 600 009.
 - 2.The Director General of Prison and Correctional Services,
Tamil Nadu Prison Department,
No.6, Whannels Road, Egmore,
Chennai - 600 008.
 - 3.The Deputy Inspector General of Prison,
O/o.DIG Prisons & CS,
Madurai Range,
Arasardi, Madurai - 625 016.
 - 4.The Superintendent of Prison,
Central Prison For Men,
Arasaradi, Madurai - 625 016.
- ... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in G.O.(D) No.275 Home (Prison-VI) Department dated 06.03.2024 and quash the same as illegal and consequently direct the respondent No.1 herein to pass order by considering the representation sent to the respondents herein on 19.07.2024 and to take immediate steps to assess all the facts in petitioner's husband T.Pugalenthi S/o.Thirumal, aged 46 years CP No.4970 who is undergoing his life sentence for more than 14 years in the Central Prison at Madurai and to reconsider his case under premature release scheme in commemoration of the 115th Birthday of Dr.Peraringnar Anna by taking into account of his good conduct and to release him prematurely on humanitarian grounds 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 in accordance with law within the time stipulated by this Court.

For Petitioner : Dr.R.Alagumani

For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor.

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.



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2.The petitioner is the wife of a life convict. The petitioner's husband has so far spent close to 16 years in person. His request for premature release was rejected vide G.O.(D)No.275 Home (Prison-IV) Department dated 06.03.2024. Questioning the same, this writ petition has been filed.

3.The learned counsel for the petitioner would argue that the convict's case would very much fall within the parameters laid down in G.O.(Ms)No.430 Home (Prison-IV) Department dated 11.08.2023.

4.The learned Additional Public Prosecutor on the other hand would contend that the convict cannot claim premature release as a matter of right. Since the convict has spent more than 15 years, his case has been recommended by the probationary officer. The District Collector as well as the State Advisory Board have also favorably recommended his case. The matter is pending before the Government. We direct the Government to take a call on the convict's release under Rule 34 of the Tamil Nadu Prison Rules, 1983 within a period of twelve weeks from the date of receipt a copy of this order.



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5.This writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.P. J.)
09.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Additional Chief Secretary,
Home (Prison) Department,
Secretariat, St. George Fort,
Chennai – 600 009.
- 2.The Director General of Prison and Correctional Services,
Tamil Nadu Prison Department,
No.6, Whannels Road, Egmore,
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- 3.The Deputy Inspector General of Prison,
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5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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**G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.**

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