



W.P(MD) No.20837 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 06.11.2024

CORAM

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

W.P(MD) No.20837 of 2024

Nagajothi

... Petitioner

Vs

- 1.State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home (Prison IV) Department,
Secretariat, Fort St George,
Chennai-600 009.
- 2.The Director General of Prisons and correctional services,
Egmore,
Chennai-600 008.
- 3.The Deputy Inspector General of Prisons and correctional services,
Madurai Central Prison Campus,
New Jail Road,
Madurai 625 016.
- 4.The Superintendent of Prison,
Central Prison,
Palayamkottai.



W.P(MD) No.20837 of 2024

5.The District Collector,
Thoothukudi District,
Thoothukudi.

... 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 the petitioner's husband by name Mariappan (L.C.T.No.23) son of Narayanathevar aged about 57 years confining at Palayamkottai Central Prison as per G.O.Ms.No.488, dated 15.11.2021 issued by the first respondent.

For Petitioner : Mr.R.Venkatesan

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

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The petitioner's husband Mariappan figured as 3rd accused in S.C.No.123 of 2003 on the file of the Additional District and Sessions Court cum Fast Track Court No.1, Thoothukudi. He was charged with the offences under Section 302 of IPC r/w Section 34 of IPC. He was sentenced to life imprisonment vide Judgment dated 31.05.2007.

2/5



W.P(MD) No.20837 of 2024

Questioning the same, the petitioner filed C.A.No.449 of 2007. The appeal was also dismissed on 25.06.2009.

3. The petitioner's husband is in incarceration for more than 13 years. No doubt, he is eligible to be considered for premature release in terms of G.O.Ms.No.488, Home (Prison-IV) Department, dated 15.11.2021. The petitioner states that her husband's co-accused had already been granted premature release. The grievance of the petitioner is that her husband's case is pending for consideration on the file of the first respondent for an unduly long time. Without going into the merits of the matter, we direct the first respondent to decide the petitioner's application for release of her husband within a period of sixteen weeks.

4.The Writ Petition is disposed of accordingly.

(G.R.S., J.) (R.P., J.)
06.11.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
rmi



W.P(MD) No.20837 of 2024

To
WEB COPY

- 1.The Additional Chief Secretary to Government,
Home (Prison IV) Department,
Secretariat, Fort St George,
Chennai-600 009.
- 2.The Director General of Prisons and correctional services,
Egmore,
Chennai-600 008.
- 3.The Deputy Inspector General of Prisons and correctional services,
Madurai Central Prison Campus,
New Jail Road,
Madurai 625 016.
- 4.The Superintendent of Prison,
Central Prison,
Palayamkottai.
- 5.The District Collector,
Thoothukudi District,
Thoothukudi.



WEB COPY



W.P(MD) No.20837 of 2024

G.R.SWAMINATHAN, J.
AND
R.POORNIMA, J.

rmi

W.P(MD) No.20837 of 2024

06.11.2024