



W.P(MD)No.22773 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.11.2024

CORAM

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

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M.Kannan

... 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 Additional Director General of Police /
Inspector General of Prisons,
CMDA 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,
Madurai Central Prison,
Madurai District.

... 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 Mandamus, directing the respondents to premature release the petitioner's brother by name Mani (C.P.No. 5173) son of Muthaiah, aged about 43 years now lodged and confined at Madurai Central Prison have completed the more than 14 years of actual sentence on the basis the G.O.Ms.No.488 of 2021 and on the basis of the Advisory Board Scheme Rule 341(2) of the Tamil Nadu Prison Rule 1983 and G.O.Ms.No.596 of 2023 dated 24.11.2023 by considering petitioner's representation dated 28.08.2024 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Prakash

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

ORDER

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

The brother of the convict is the writ petitioner before us (Convict No.5173). He was convicted and sentenced on 29.12.2010 in S.C.No.15 of 2010 on the file of Additional District and Sessions Judge, Fast Track Court, Theni and sentenced to undergo life imprisonment for the offence under Section 302 of IPC. He is in incarceration ever since. The



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petitioner states that his brother is entitled for premature release. We do not want to go into the merits of the matter.

2.We direct the first respondent to consider the petition mentioned application and take a call on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

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

(G.R.S. J.) & (R.P. J.)
11.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

- 1.The Principal Secretary to Government,
Home (Prison-IV) Department,
State of Tamil Nadu,
Secretariat, St.George Fort,
Chennai - 9.
2. The Additional Director General of Police /
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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,
Madurai Central Prison,
Madurai District.
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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