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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 18.11.2024

CORAM

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

W.P(MD) No.25112 of 2024

Rani ... Petitioner

Vs

1.The Deputy Inspector General of Prison,
O/o.The Deputy Inspector General of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road,
Madurai.

2.The Superintendent,
Central Prison,
New Jail Road,
Arasaradi,
Madurai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining the impugned order passed by the respondent No. 2 in No. 30339/Tha.Ku.2/2024 dated 22.07.2024 quash the same as bad in law and further direct the respondent No. 2 to Set Off

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the petitioner's son the remand period from 21.04.2016 to 14.08.2017 under section 428 Cr. P.C. in his conviction warrant.

For Petitioner : Mr.SMA Jinnah
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 son was convicted and sentenced to life imprisonment vide Judgment dated 25.03.2019 in Crl.A.No.274 of 2011. It was an appeal against acquittal. The petitioner's son has since preferred appeal before the Hon'ble Supreme Court and it is still pending there. In these circumstances, it is not for this bench to provide the relief of set off under Section 428 of Cr.P.C. The petitioner will have to work out his rights only before the Hon'ble Supreme Court in the pending appeal.

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3. With the aforesaid observation, the Writ Petition is disposed of. No costs.

(G.R.S., J.) (R.P., J.)
18.11.2024

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

To
1.The Deputy Inspector General of Prison,
O/o.The Deputy Inspector General of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road,
Madurai.

2.The Superintendent,
Central Prison,
New Jail Road,
Arasaradi,
Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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AND
R.POORNIMA, J.

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