



W.P.(MD) No.26990 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.P.(MD) No.26990 of 2023

and

W.M.P.(MD) No.23183 of 2023

T.Brinthatharan

... 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
C.M.D.A.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
Vellore Division, Madurai Central Prison Campus
Vellore
- 4.The Superintendent of Prison
Cuddalore Central Prison
Cuddalore District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to release the petitioner's father by name C.Thamotharan (C.P.No.14883), son of Chithambaram, aged about 56 years, now lodged and confined at Central Prison, Cuddalore, have completed the more than 22 years of actual sentence on the basis of the Hon'ble Mr.Justice Athinathan Committee recommendation and on the basis of the humanitarian ground in Government Letter M.S.No.1358, Home, dated 10.11.1994, and the Advisory Board Scheme Rule 341(2), Tamil Nadu Prison Rules, 1983 by considering the petitioner's representation dated 24.10.2023 in accordance with law, within a time stipulated by this Court.

For Petitioner : Mr.R.Prakash

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

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Prayer in this writ petition is to direct the respondents to release the petitioner's father by name C.Thamotharan (C.P.No.14883), son of Chithambaram, aged about 56 years, who is now lodged and confined at



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Central Prison, Cuddalore, and who has completed more than 22 years of actual sentence, on the basis of the Hon'ble Mr.Justice Athinathan Committee's recommendation and on the basis of humanitarian ground in Government Letter in M.S.No.1358, Home, dated 10.11.1994, and the Advisory Board Scheme Rule 341(2), Tamil Nadu Prison Rules, 1983, by considering the petitioner's representation dated 24.10.2023 in accordance with law, within a time stipulated by this Court.

2. It is the case of the petitioner that her father / convict has undergone 22 years of imprisonment and he is eligible for premature release based on the recommendation of the Hon'ble Mr.Justice Athinathan Committee, however, the respondents have not considered the case of the convict for premature release.

3. Heard the learned Additional Public Prosecutor appearing for the respondents.

4. Taking into consideration the facts and circumstances of the case, we direct the respondents to consider the petitioner's representation dated 24.10.2023 and pass orders on merits and in accordance with law,



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within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.]

[K.R.S., J.]

03.06.2024

(2/2)

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

krk

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 /
Inspector General of Prisons,
C.M.D.A.Towers II,
No.1, Gandhi Irvin Road,
Egmore, Chennai-8.



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- 3.The Deputy Inspector General of Prison,
Office of the Deputy Inspector General of Prison,
Vellore Division,
Madurai Central Prison Campus,
Vellore.
- 4.The Superintendent of Prison,
Cuddalore Central Prison,
Cuddalore District.



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