



W.P.(MD).No.30782 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.02.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

W.P.(MD).No.30782 of 2023
and
W.M.P.(MD).No.26440 of 2023

P.Veeramakali

.. Petitioner

Vs.

1.State of Tamil Nadu
Represented by the Principal Secretary to Government,
Home(Prison-IV) Department,
Secretariat,
Fort St.George,
Chennai – 9.

2.The Director General of Police,
Director General of Prison and
Correctional Service,
Egmore,
Chennai – 8.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai.

.. Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1st respondent to release the petitioner's husband namely Balakrishnan S/o.Vellaichami Thevar a life convict prisoner (C.P.No.4554) based on the report made by the advisory board as per Rule-341, as well as Rule-632 of Tamil Nadu Prison Rules, 1983 which was forwarded to the 1st respondent vide Letter No.32337/PS1/2021 dated 08.11.2022 by the 2nd respondent.

For Petitioner : Mr.S.Srikanth
for M/s.APN Law Associates

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

The present Writ Petition is filed for Mandamus seeking direction to the respondents to consider the premature release of the petitioner's husband, who is a life convict and confined in Madurai Central Prison in connection with multiple murders (8 murders – 2 men, 5 women and 1 child).



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2. Though the petitioner's husband has completed 17 years of incarceration, his request for premature release on health grounds is not considered by the Government and hence, the present Writ Petition is filed.

3. It is contended by the petitioner that the Advisory Board had recommended the premature release of the petitioner's husband. However, the State has not taken any decision over the same.

4. The learned Additional Public Prosecutor appearing for the respondents, on instructions, submits that earlier, the Advisory Board recommended for premature release of the petitioner's husband. However, the Government did not find favour with the report and therefore, has rejected the same. He further submitted that the Government has now taken a policy decision to re-visit their earlier decision and the matter has now been taken up for fresh consideration and report is called for from the District Level Committee.



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5. In view of the above submissions, the Writ Petition is disposed of with liberty to the petitioner herein to wait for the outcome of the decision of the Government, which is to be taken preferably within a period of eight (8) weeks from the date of receipt of a copy of this order and if no decision is taken by the Government in this regard, it is open to the petitioner to approach this Court. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(G.J.,J.) (C.K.,J.)
23.02.2024

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

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home(Prison-IV) Department,
Secretariat,
Fort St.George,
Chennai – 9.

2.The Director General of Police,
Director General of Prison and
Correctional Service,
Egmore,
Chennai – 8.



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3. The Superintendent of Prison,
Madurai Central Prison,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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