



W.P.(MD).No.31053 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 23.02.2024

CORAM

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

W.P.(MD).No.31053 of 2023

Sudharshan

.. Petitioner

Vs.

1.State of Tamil Nadu, represented by,
The Principal Secretary,
Home (Prison) Department,
State of Tamil Nadu,
Secretariat,
Fort St.George,
Chennai - 600 009.

2.The Director General of Police/Director General
of Prisons and Correctional Services,
C.M.D.A. Towers II,
No.1, Gandhi Irvin Road,
Egmore,
Chennai - 600 008.

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

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
to issue a writ of Mandamus, directing the respondents to release the



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petitioner's father by name Sundararajan, son of Rengasamy (CP No.20597) aged 61 years under premature release on the basis of G.O.(Ms)No.64 Home (Pri IV) Department dated 01.02.2018 or G.O.(Ms)No.302 Home (Pri IV) Department dated 03.05.2018 or G.O.(Ms)No.488 Home (Pri IV) Department dated 15.11.2021 or any other appropriate order or Government Scheme by considering the petitioner's representation dated 12.12.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.K.M.Karunakaran

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 father, who is a life convict.

2. Based on the earlier G.O.(Ms)No.488, Home (Prison-IV) Department, dated 15.11.2021, the petitioner herein had sought for premature release of his father on the premise that his father had already completed 10 years of imprisonment. However, when the petitioner's



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application was considered, the Government has passed subsequent order in G.O.(Ms)No.430, Home (Prison-IV) Department, dated 11.08.2023 superseding the earlier Government Order, wherein, the minimum period of incarceration to be eligible for being considered for premature release has been fixed as 14 years as on 15.09.2023.

3. As on the said date, the petitioner's father has completed only 10 years 2 months and 9 days of imprisonment and therefore, he falls short of more than three years for being eligible to seek premature release. Therefore, the Writ Petition is liable to be dismissed as devoid of merits. Accordingly, the Writ Petition is dismissed. The petitioner shall revive his request for premature release of his father, once the convict is eligible after fulfilling the conditions prescribed for premature release as per the Government Order prevailing at that time. There shall be no order as to costs.

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

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



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To

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State of Tamil Nadu,
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2. The Director General of Police/Director General
of Prisons and Correctional Services,
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3. The Superintendent of Prison,
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Trichy.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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