



W.P(MD) No.30622 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 18.12.2024

CORAM

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

W.P(MD) No.30622 of 2024

Deivam @ Deivendran

... Petitioner

Vs

- 1.The State of Tamil Nadu represented by
The Home Secretary,
The Government of Tamil Nadu,
Fort St.George,
Chennai.
- 2.The State of Tamil Nadu represented by
The Principal Secretary,
Home (Prison) Department,
The Government of Tamil Nadu,
Fort St.George,
Chennai.
- 3.The Additional Director General of Police /
Inspector General of Prisons,
C.M.D.A Towers II,
No.I, Gadhi Irvin Road,
Egmore, Chennai-8.



W.P(MD) No.30622 of 2024

4.The Deputy Inspector General of Prisons,
Madurai Circle,
Madurai.

5.The Superintendent of Central Prison,
Central Prison, Madurai,
Madurai District.

6.The Inspector of Police,
Theppakulam Police Station,
Madurai City.
(Crime No.687 of 2002)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to reckon the period of remission as the sentence served by the petitioner and consequently, to release the petitioner by premature release in accordance with G.O.(Ms)No.64 dated 01.02.2018 as per the representation of the petitioner dated 19.10.2024.

For Petitioner : Mr.C.Senthil Murugan

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

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.



W.P(MD) No.30622 of 2024

WEB COPY

2. The petitioner seeks premature release.

3. It is pointed out by the learned Additional Public Prosecutor that the petitioner's sentence was already suspended and is presently out on bail. Since such person cannot be considered for premature release, the writ petition is not maintainable.

4. We are constrained to dismiss the writ petition primarily for the reason that his appeal questioning the conviction and sentence is still pending before the Hon'ble Supreme Court. The Writ Petition is dismissed. No costs.

(G.R.S., J.) (R.P., J.)
18.12.2024

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



W.P(MD) No.30622 of 2024

To

WEB COPY

1. The Home Secretary,
The Government of Tamil Nadu,
Fort St.George,
Chennai.
2. The Principal Secretary,
Home (Prison) Department,
The Government of Tamil Nadu,
Fort St.George,
Chennai.
3. The Additional Director General of Police /
Inspector General of Prisons,
C.M.D.A Towers II,
No.I, Gadhi Irvin Road,
Egmore, Chennai-8.
4. The Deputy Inspector General of Prisons,
Madurai Circle,
Madurai.
5. The Superintendent of Central Prison,
Central Prison, Madurai,
Madurai District.
6. The Inspector of Police,
Theppakulam Police Station,
Madurai City.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



W.P(MD) No.30622 of 2024

G.R.SWAMINATHAN, J.
AND
R.POORNIMA, J.

rmi

W.P(MD) No.30622 of 2024

18.12.2024