



W.P.No.11382 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

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D.Nanthakumar

... Petitioner

Vs.

1.State of Tamilnadu

Rep. by the Additional Chief Secretary to Government

Home (Prison V) Department

Secretariat, Fort St.George

Chennai-600 009

2.The Director General of Prisons and Correctional Services

Tamilnadu Prison Department

No.6, Whannels Road

Egmore, Chennai-600 008

3.The Deputy Inspector of Prisons

Office of DIG of Prisons, Vellore Range

Vellore 632 002

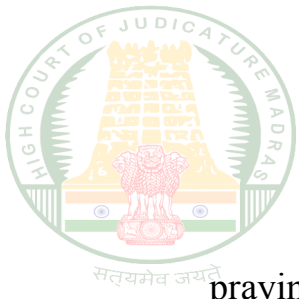
4.The Superintendent of Prison

Special Prison for Women

Vellore 632 002

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,



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praying for the issuance of Writ of Mandamus, to direct the respondents herein to take immediate steps to assess all the facts in the petitioner's younger sister Kala, W/o. Late Jeyaraman's case, who is undergoing her sentence more than 14 years in Special Prison for Women at Vellore and consider her case for premature release by constituting an Advisory Board and placing her case before it for the recommendation of premature release on humanitarian grounds, within the time stipulated by this Court.

For Petitioner : M/s.D.Geetha

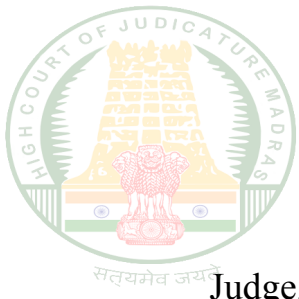
For Respondent : Mr.R.Muniyapparaj  
Additional Public Prosecutor  
assisted by Mr.M.Sylvester John

### ORDER

M.S.RAMESH, J.  
and  
N.SENTHILKUMAR, J.

The petitioner herein, who is the brother of the life convict, has come forward with this Writ Petition to consider his sister's case for premature release, who is undergoing a sentence for more than 14 years in Special Prison for Women at Vellore, by constituting an Advisory Board and to place his sister's case before it for the recommendation of premature release on humanitarian grounds.

2. The petitioner states that he is the elder brother of the life convict, who is convicted with a life sentence by the learned Sessions



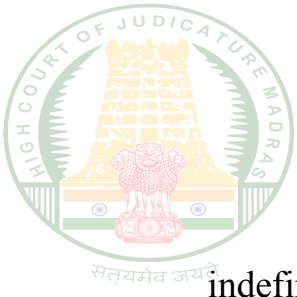
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Judge, Nagapattinam in S.C.No.239/2008 dated 20.04.2011 as found her guilty of the offence U/s.302 (2 counts) IPC and sentenced her to undergo life imprisonment for each count and to pay a fine of Rs.5,000/- for each count in default to undergo S.I. for 3 years for each count. This Court had confirmed the same vide Crl.A.No.441/2011 dated 26.09.2012. According to G.O.Ms.No.1762 Home dated 20.07.1987, All India Committee on Prison Reforms, to consider for grant of premature release under Article 161 of the Constitution of India, the petitioner's sister has completed twenty years of her actual imprisonment. Hence, a representation was sent to the respondents on 21.10.2024, since the same has not been considered till date, the petitioner has come forward with this Writ Petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending



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indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

5. In view of the above observation, this Court, without going into the merits of the petitioner's representation or the contentions of the petitioner in the affidavit filed in support of this Writ Petition, directs the respondents to consider the representation of the petitioner dated 21.10.2024, seeking for grant of premature release to his sister, the convict prisoner, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order and communicate the same to the petitioner.

6. With the above direction, this Writ Petition stands disposed of.  
No costs.

[M.S.R, J.]      [N.S, J.]



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Index: Yes/No  
Neutral Citation

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Secretariat, Fort St.George  
Chennai-600 009

2.The Director General of Prisons and Correctional Services  
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3.The Deputy Inspector of Prisons  
Office of DIG of Prisons, Vellore Range  
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4.The Superintendent of Prison  
Special Prison for Women  
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5.The Public Prosecutor  
High Court of Madras  
Chennai 600 104

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