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WP No.11727 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 15-12-2025**

CORAM

**THE HON'BLE MR JUSTICE P. VELMURUGAN  
AND  
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN**

**WP No.11727 of 2025 &  
W.M.P.No.13269 of 2025**

D.Bagyam

..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government,  
Home (prison-iv) Department, Secretariat,  
Fort St. George, Chennai-600 009.
2. The Director General of Prisons,  
Gandhi Irwin Road, CMDA Building 2nd Tower,  
Egmore, Chennai-600 008.
3. The Superintendent of Prison,  
Central Prison At Trichy, Trichy-20.

.. Respondents

**Prayer:** This Writ Petition is filed under Article 226 of Constitution of India to call for the records pertains to the impugned order in No.G.O. (D) No.205 dated 24.02.2025 passed by the 1st respondent and quash the same and direct the respondents to release forthwith the Convict viz., Mr.Karthikeyan S/o.Doss Thulasidoss, (CT No.21122, PID No.13185)



For Petitioner(s):

M.Mohamed Saifulla

For Respondent(s):

Mr.R.Muniyapparaj  
Additional Public Prosecutor

Assisted by Mr.M.Sylvester John

**ORDER****(Order of the Court was made by P.Velmurugan J.)**

This Writ Petition has been filed by the petitioner, who is the mother of the life convict prisoner, namely Mr.Karthikeyan, S/o.Doss @ Thulasidoss, challenging the impugned order passed by the first respondent in G.O.(D) No.205, Home (Prison-IV) Department, dated 24.02.2025, whereby the request for premature release of the said life convict prisoner was rejected.

2. The facts, in brief, are that the life convict prisoner was convicted in S.C.No.33 of 2010 on the file of the Principal Sessions Judge, Dindigul, for offences under Sections 468, 364-A, 387, 302 and 201 of the Indian Penal Code and sentenced to imprisonment for life by judgment dated 10.04.2015. The conviction and sentence were confirmed by this Court in Criminal Appeal(MD)No.419 of 2016, dated 23.01.2017. The life convict prisoner is presently confined in Central Prison, Trichy.



3. According to the petitioner, the life-convict prisoner has completed more than 14 years of incarceration, including the period of remand. It is further stated that his conduct in prison has been satisfactory and that he has undergone various educational and vocational courses and has participated in rehabilitation and legal awareness programmes during the period of his incarceration.

4. Seeking premature release under the policy issued in G.O.(Ms)No.488, Home (Prison-IV) Department, dated 15.11.2021, the life convict prisoner submitted representations to the respondents. Pursuant to the directions issued by this Court in W.P.No.35640 of 2024, the first respondent considered the said request and passed the impugned order dated 24.02.2025, rejecting the request for premature release on the ground that the offence committed by the convict prisoner was of a cruel and brutal nature, that it had an adverse impact on society, and that granting remission would be prejudicial to the interests of justice.

5. Challenging the said impugned order, the present Writ Petition has been filed.

6. The learned counsel for the petitioner would submit that the life convict prisoner has completed the requisite period of incarceration and is therefore entitled to be considered for premature release in terms of G.O.(Ms)No.488, Home (Prison-IV) Department, dated 15.11.2021. It is further submitted that the conduct, reformation, and educational achievements of the life convict prisoner have not been



given due consideration by the first respondent. The learned counsel would also submit that similarly placed convict has been granted premature release, and that the rejection of the petitioner's request solely on the ground that the offence committed by the life convict prisoner was of a cruel and brutal nature and had an impact on society, and that his remission would therefore be prejudicial to the interests of justice, is arbitrary and unsustainable, particularly when the recommendations of the State Level Committee were not duly considered.

7. Per contra, the learned Additional Public Prosecutor appearing for the respondents would submit that premature release is not a matter of right, and that mere completion of the prescribed period of incarceration does not confer any vested right on a convict for release. It is submitted that the offence committed by the life convict prisoner is heinous and brutal in nature, involving abduction for ransom and murder, and therefore falls within the excluded category under G.O.Ms.No.488, Home (Prison-IV) Department, dated 15.11.2021. It is further submitted that, as per the orders of the Hon'ble Supreme Court in SLP (Crl.)No.529 of 2021 and Suo Motu W.P.No.4 of 2021, the Government has already issued a Standard Operating Procedure for processing cases of premature release of life-convict prisoners under the Advisory Board Scheme, which has been incorporated in G.O.(Ms) No.596, dated 24.11.2023. After strictly adhering to the said procedure, the case of the convict prisoner was duly considered; however, the Advisory Board did not recommend the premature release of the life-convict prisoner, having regard to the heinous nature of the crime committed by him.



8. This Court has carefully considered the rival submissions and perused the materials placed on record.

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9. It is well settled that premature release of a life convict prisoner is not a matter of right. Even where a policy is framed by the Government, such policy only enables consideration of the case and does not create any enforceable or vested right to seek release. The discretion vested in the Government under Article 161 of the Constitution of India is required to be exercised on relevant considerations, including the nature and gravity of the offence, its impact on society, the conduct and reformation of the prisoner, and the recommendations of the competent Committees.

10. It is apposite to note that the procedure governing the consideration of premature release of life convict prisoners is statutorily regulated under the Tamil Nadu Prison Manual. Rule 349 of the Tamil Nadu Prison Manual specifically prescribes the procedural safeguards and the manner in which the cases of eligible life convicts are required to be processed before being placed for consideration before the State Level Committee. In this context, it is relevant and necessary to extract the aforesaid provision for proper appreciation, which reads as follows:-

349. Procedure. - For every life convict eligible for consideration by the State Level Committee under these rules,

(i) Every Superintendent in charge of a Prison shall initiate the case of a prisoner at least three months in advance of his/her becoming eligible for consideration for premature release as per the guidelines laid down by the State Government in the Standard Operating Procedure to be notified by Government separately.



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(ii) The Superintendent of Prison shall prepare a comprehensive note for each prisoner, giving his family and societal background as per the record of the case, the offence for which he was convicted and sentenced, and the circumstances under which the offence was committed. The Superintendent shall also reflect fully on the conduct and behaviour of the prisoner in the prison during the period of his incarceration, and during his/her release on probation/ leave, change in his/her behavioural pattern, and Prison offences, if any, committed by him/her and punishment awarded to him for such offences. A report shall also be made about his physical and mental health or any serious ailment with which the prisoner is suffering, entitling him for premature release as a special case. The note shall also contain recommendation of the Superintendent, i.e., whether he favours the premature release of the prisoner or not. In either case such recommendation shall be supported by adequate reasons.

(iii) As per section 473(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023), the report of the Presiding Judge shall be obtained by the Government and placed before the State Level Committee.

11. A reading of Rule 349 of the Tamil Nadu Prison Manual makes it clear that the premature release of a life convict is not automatic upon completion of the minimum period of imprisonment. The Rules mandate that the prison authorities initiate a proposal and submit a detailed report, obtain the opinion of the Presiding Judge, and thereafter place the case before the State Level Committee for consideration in accordance with the Government guidelines, keeping in mind the interests of both the prisoner and society. Further, pursuant to the directions of the Hon'ble Supreme Court in SLP(Crl.)No.529 of 2021 and Suo Motu W.P.No.4 of 2021, the Government, vide G.O. (Ms) No.596, dated 24.11.2023, has issued a Standard Operating Procedure for processing cases of premature release of life-convict prisoners under the Advisory Board Scheme. The said SOP prescribes four distinct stages, namely: (i) identification of eligible convicts; (ii) preparation and submission of applications to the recommending authority; (iii) consideration and recommendation by the Advisory Board; and (iv) issuance of final orders by the State Government. In the present case, a perusal of the impugned order reveals that



the case of the convict prisoner was duly identified in accordance with the prescribed procedure and was placed before the State Level Committee. The State Level Committee also recommended the case of the convict prisoner. However, the Advisory Board, upon due consideration of all relevant materials and having regard to the gravity and heinous nature of the offence, which involved abduction for ransom and murder, did not recommend the premature release of the life-convict prisoner. Hence, there is no procedural violation.

12. As regards the question of fitness, it is to be noted that the conviction recorded by the trial court has been affirmed by the appellate court. While exercising jurisdiction under Article 226 of the Constitution of India, this Court does not sit as an appellate authority to re-appreciate the evidence or to examine the correctness of the conviction. The scope of judicial review is confined to examining whether there is any illegality, arbitrariness, mala fides, or procedural infirmity in the decision-making process. In the matter on hand, the Court finds that there are no procedural irregularities or infirmities in the decision-making process. This Court does not find any arbitrariness, perversity, mala fides, or non-application of mind in the decision-making process so as to warrant interference under Article 226 of the Constitution of India.



13. In view of the foregoing discussion, this Court finds no infirmity or illegality in the impugned order passed by the first respondent in G.O.(D) No.205, Home (Prison-IV) Department, dated 24.02.2025, rejecting the request for premature release of the life convict prisoner. Accordingly, this Court is not inclined to exercise its discretionary jurisdiction under Article 226 of the Constitution of India to interfere with the same.

14. In the result, the Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed.

**(P.V.,J.) (M.J.R.,J.)**  
**15-12-2025**

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