



WEB COPY

W.P.No.31943 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.31943 of 2024 & W.M.P.No.3633 of 2025

P.Pugalenthir .. Petitioner in both petitions

v.

1. State of Tamil Nadu rep by
the Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009
2. The Director General of Police and
Director General of Prisons and Correctional Service
Whannels Road, Egmore
Chennai 600 008
3. The Superintendent of Prison
Central Prison-I, Puzhal
Chennai 600 066
4. The District Collector
Thiruvallur District
Thiruvallur 602 001 .. Respondents in both petitions

Writ Petition is filed under Article 226 of the Constitution of India,



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praying for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 12.10.2024 and release the prisoner, namely, Mr.Rajamani, S/o Samiyappan, aged 87 years, convict prisoner, Ct.No.5027, Central Prison-1, Puzhal, Chennai-66 on medical grounds.

Writ Miscellaneous Petition is filed under Article 226 of the Constitution of India, to direct the respondents to release the prisoner, namely, Mr.Rajamani, S/o Samiyappan, aged 87 years, convict prisoner, Ct.No.5027, Central Prison-I, Puzhal, Chennai-66 on interim bail.

For Petitioner :: Mr.K.Sakthivel

For Respondents :: Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ petition has been instituted to direct the respondents to consider the representation dated 12.10.2024 filed by the petitioner seeking premature release of the convict prisoner Mr.Rajamani, S/o Samiyappan, aged about 87 years, Convict No.5027, presently lodged at the Central Prison-I, Puzhal, Chennai, on medical grounds.

2. The petitioner states that the prisoner is presently aged about 87



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years and totally blind. The prisoner is not in a position to perform his day-to-day activities and even for getting food from the prison canteen, he has to depend others. On account of his old age and blindness, he was referred to the Medical Board by the authorities for premature release. The report of the Medical Board is awaited and the process of scrutinizing the application is in progress.

3. The learned Additional Public Prosecutor Mr.R.Muniyapparaj would submit that the application seeking premature release will be considered on receipt of the final medical report and obtaining necessary opinion from the competent authorities.

4. This Court considered the present condition of the prisoner inside the prison. There is nobody to assist him and he is not in a position to perform his day-to-day affairs. He is totally blind and aged about 87 years. Therefore, keeping him in jail would do no service to the cause of justice. Contrarily, he will be unnecessarily suffering, since the jail authorities may not be in a position to take care of one prisoner inside the prison.



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5. Considering the totality of the circumstances, we direct the respondents to scrutinize the application with reference to the medical condition of the prisoner and other aspects and pass appropriate orders on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order.

6. The learned Additional Public Prosecutor, on instructions, made a suggestion that the prisoner may be permitted to secure admission in a Home run by NGO for aged persons, namely, 'Kolbe Home' situated at En Kandigai near KG Kandigai, Tiruttani. Accordingly, the prisoner is granted interim bail and he may be admitted in 'Kolbe Home' situated at En Kandigai near KG Kandigai, Tiruttani. The writ petition and writ miscellaneous petition are disposed of accordingly. No costs.

Index : yes

Neutral citation : yes

(S.M.S.,J.) (M.J.R.,J.)

30.01.2025

Issue copy on 31.01.2025

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To
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High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

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