



W.P(MD) No.15956 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 02.01.2025

CORAM

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

W.P(MD) No.15956 of 2024

Subbulakshmi

... Petitioner

Vs

- 1.The Principal Secretary to the Government,
O/o.The Principal Secretary to the Government,
Home (Prison IV) Department,
Secretariat,
St.George Fort,
Chennai.
- 2.The Deputy Inspector General of Prison,
O/o.The Deputy Inspector General of Prison
and Correctional Services,
Madurai Range,
Madurai Central Prison Campus,
New Jail Road,
Madurai.
- 3.The Superintendent of Prison,
Central Jail,
Palayamkottai,
Tirunelveli District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in G.O.(D)No.455, dated 08.04.2024 passed by the first respondent and quash the same as illegal and subsequently, direct the first respondent to release the petitioner's brother prematurely by considering Government Order in G.O.(Ms).No.488, Home (Pre-IV) Department, dated 15.11.2021.

For Petitioner : Mr.SMA.Jinnah

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

ORDER

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

Heard both sides.

2. The petitioner's brother was convicted and sentenced to life imprisonment vide Judgment dated 26.06.2008 in S.C.No.263 of 2007 on the file of the Principal District and Sessions Court, Thoothukudi. Questioning the same, the petitioner's brother filed CrI.A.(MD)No.547 of 2018. It was dismissed on 24.04.2019. The convict did not prefer any appeal before the Hon'ble Supreme Court of India. The conviction and sentence has become final. He had so far spent more than 15 years in



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prison. The petitioner sought premature release under G.O.Ms.No.488, Home (Pre-IV) Department, dated 15.11.2021. The petitioner's request was rejected vide G.O.(D).No.455, Home (Prison-IV) Department dated 08.04.2024. Challenging the same, this writ petition came to be filed.

3. The respondents have filed a detailed counter affidavit. The primary reason set out by the respondents is that the victim's family is opposing the convict's premature release. The learned counsel for the petitioner submits that the victim was none other than the sister-in-law. It is also stated that occurrence had taken place way back in the year 2007. The children of the victim had attained majority long back and they are now settled in Chennai. The case of the convict is that after release, he would go back to his native place in Kovilpatti in Thoothukudi District. It is also stated that the convict will never come in touch with the victim's children. We called for a report from the jail superintendent. It is stated that at present, the relationship is one of cordiality. We called for the report from the jail superintendent. The jail superintendent has stated that the convict was allotted work in weaving section and his conduct and behavior has been satisfactory inside the



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prison and he has not committed any prison offence during incarceration.

We are of the view that the first respondent should revisit the issue.

4. In this view of the matter, the impugned GO is set aside. The matter is remitted to the file of the first respondent. The first respondent will consider the report of the jail superintendent and pass an appropriate order on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.

(G.R.S., J.) (R.P., J.)
02.01.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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3. The Superintendent of Prison,
Central Jail,
Palayamkottai,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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