



W.P(MD) No.23839 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.23839 of 2024
and
W.M.P.(MD)No.20186 of 2024**

Mariammal

... 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 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.

... 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 impugned order in No.8746/Thakul/2024, dated 30.08.2024 passed by the respondent No.3 and quash the same as bad in law and direct the respondents to release the petitioner's husband namely Thangapandian S/o.Kandhasamy (LCT No.5866) prematurely on considering G.O.Ms.No.64, Home (Pre-IV) Department, dated 01.02.2018 and G.O.Ms.No.488, Home (Pre-IV) Department, dated 15.11.2021 and his good conduct inside the prison.

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 husband was sentenced to life imprisonment vide Judgment dated 11.02.2002 in S.C.No.274 of 1999 on the file of the Principal District and Sessions Judge, Tirunelveli. Questioning the same, he along with the other accused filed CrI.A.(MD)No.495 of 2002. The appeal was dismissed on 30.11.2009. It appears that after surrendering,

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the petitioner absconded and that he was secured after two days. He was also prosecuted for this and sentenced to undergo three months rigorous imprisonment. He therefore may not be eligible to be considered for premature release under G.O.Ms.No.488, dated 15.11.2021. Since he had so far completed more than 15 years in prison, he is eligible to be considered for premature release under Rule 341. It is seen that the case of the prisoner was placed before the advisory board on 29.10.2024 and it has also been duly recommended.

3. We direct the first respondent to consider the case of the petitioner's husband under Rule 341 and pass an appropriate order on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. 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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Chennai.
- 2.The Deputy Inspector General of Prison,
O/o.The Inspector General of Prison
and Correctional Services,
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Madurai Central Prison Campus,
New Jail Road,
Madurai.
- 3.The Superintendent of Prison,
Central Jail,
Palayamkottai,
Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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