



W.P.Crl.(MD).No.34 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2026

CORAM

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
AND
THE HONOURABLE MR.JUSTICE P.DHANABAL**

W.P.Crl.(MD).No.34 of 2026

S.Sudha

..... Petitioner

Vs.

1.State represented by its
the Additional Chief Secretary to Government,
Home (Prison-IV) Department,
Secretariat, St.George Fort,
Chennai-9.

2.The Director General of Prison
and Correctional Service,
CMDA Towers II,
No.1, Gandhi Irvin Road,
Egmore, Chennai-8.

3.The Deputy Inspector,
General of Prison,
Central Prison Campus,
Madurai.

4.The Superintendent of Prison,
Central Prison, Madurai.

..... Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in G.O.(D).No.1289 dated 07.10.2025 thereby rejecting the petitioner's husband's request for premature release passed by the first respondent and to quash the same as illegal and consequently directing the respondents herein to release the petitioner's husband Senthil (C.P.No.5084), S/o. Nariyan, aged about 44 years, presently lodged and confined in the Central Prison, Madurai, prematurely, as per G.O.(Ms).No.488, Home (Prison-IV) Department, dated 15.11.2021 in accordance with law and within the time stipulated by this Court.

For Petitioner : Mr.M.Maran

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor



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ORDER

[Order of the Court was made by N.ANAND VENKATESH, J.]

This writ petition (Criminal) has been filed challenging the impugned proceedings of the first respondent made in G.O.(D).No.1289, dated 07.10.2025 and for a consequential direction to the respondents to release the petitioner's husband, who is presently lodged and confined in the Central Prison, Madurai.

2. Heard the learned counsel on either side.

3. The petitioner's husband was convicted and sentenced to undergo life imprisonment by the judgment dated 04.05.2010 made in S.C.No.350 of 2009 on the file of the learned Additional Sessions Judge / Fast Track Court-II, Madurai. This judgment was further confirmed by this Court in CrI.A.(MD).No.230 of 2012 by judgment dated 26.04.2013. This judgment has become final and the petitioner's husband was undergoing the sentence at Central Prison, Madurai.



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4. Earlier, a representation was made seeking for premature release under G.O.(Ms).No.488, Home (Prison-IV) Department, dated 15.11.2021. The said representation came to be rejected by the first respondent in G.O. (D).No.1250, Home (Prison-IV) Department, dated 30.10.2023. The said rejection order was put to challenge by the petitioner in W.P.(MD).No. 15921 of 2024.

5. This Court allowed the said writ petition by an order dated 28.11.2024 and the relevant portion in the said order is extracted hereunder:

“The case on hand is squarely covered by the decisions of the Hon'ble Supreme Court rendered in A.G.Perarivalan v. State through Superintendent of Police, CBI/SIT/MMDA, Chennai (2023) 8 SCC 257 and the decision of the Hon'ble Supreme Court rendered in W.P.No. 14908 of 2024 dated 17.10.2024 (Veera Bharathi Vs. State). The petitioner had admittedly completed 10 years of actual imprisonment as of 15.09.2021. He also fulfils all the other conditions set out in G.O.Ms.No.488, Home Prison Department, dated 15.11.2021. Therefore,



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the Head of the State ought not to have taken a contra view. Recommendation of the council of ministers was clearly binding on the Head of the State. In this view of the matter, the impugned G.O.(D)No. 1250, dated 30.10.2023 is set aside. The first respondent/Government is directed to recirculate the files and thereafter, take a decision afresh and issue orders on merits and in accordance with law as expeditiously as possible.”

6. Pursuant to the above order, the present impugned proceedings under challenge was issued by the first respondent.

7. We have carefully considered the submissions made on either side and the materials available on record and also the counter filed by the first respondent.

8. When the earlier writ petition was allowed by this Court, this Court found that the petitioner's husband had fulfilled all the conditions set out in G.O.(Ms).No.488, Home (Prison-IV) Department, dated 15.11.2021. Hence, this Court had sent back the matter to the first respondent to



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recirculate the files and take a decision afresh and issue orders on merits and in accordance with law as expeditiously as possible.

9. Even though a reference was made to the above order passed by this Court, the present impugned proceedings has been issued by the first respondent by clubbing the requirements under the Advisory Board Scheme under Rule 349 of the Prison Rules. Hence, the first respondent instead of focusing on the entitlement of premature release under G.O. (Ms).No.488, Home (Prison-IV) Department, dated 15.11.2021, went into a completely different Scheme that is provided under the Advisory Board Scheme and rejected the request made by the petitioner.

10. In our considered view, the consideration under G.O.(Ms).No. 488, Home (Prison-IV) Department, dated 15.11.2021, is completely different from the consideration under the Advisory Board Scheme under Rule 349 of the Prison Rules. The Advisory Board Scheme need not have been resorted to by the first respondent, since the direction issued by this Court while allowing the earlier writ petition was to consider the premature release under G.O.(Ms).No.488, Home (Prison-IV) Department,



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dated 15.11.2021. Therefore, the first respondent ought to have focused on the requirements of the said Government Order and passed an order. Instead the Advisory Board Scheme has been brought in and the petitioner's husband was not found to be eligible by the Board, therefore, the entire request came to be rejected.

11. The procedure adopted by the first respondent runs contrary to the earlier directions issued by this Court in W.P.(MD).No.15921 of 2024 dated 28.11.2024. Therefore, there is an error apparent on the face of the order, which requires the interference of this Court.

12. In the light of the above discussion, the impugned proceedings of the first respondent in G.O.(D).No.1289, dated 07.10.2025 is set aside. There shall be a direction to the first respondent to deal with the request made by the petitioner for premature release under G.O.(Ms).No.488, Home (Prison-IV) Department, dated 15.11.2021 and in the light of the earlier order passed by this Court in W.P.(MD).No.15921 of 2024 and pass fresh orders within a period of eight weeks from the date of receipt of a copy of this order.



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13. This Writ Petition (Criminal) is allowed with the above directions.

[N.A.V., J.] & [P.D.B., J.]
04.03.2026

NCC : Yes / No

Index : Yes / No

TSG

Copy to

the Additional Chief Secretary to Government,
Home (Prison-IV) Department,
Secretariat, St.George Fort,
Chennai-9.

2.The Director General of Prison
and Correctional Service,
CMDA Towers II,
No.1, Gandhi Irvin Road,
Egmore, Chennai-8.

3.The Deputy Inspector,
General of Prison,
Central Prison Campus,
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4.The Superintendent of Prison,
Central Prison, Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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