



W.P.Crl..(MD).No.1634 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2026

CORAM

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
AND
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

W.P.Crl.(MD).No.1634 of 2026

Meharaj Begam

..... Petitioner

Vs.

1.The Additional Director General of Prison,
O/o. The Additional Director General of Prison
and Correctional Services,
Egmore, Chennai District.

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 District.

3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

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



W.P.CRL..(MD).No.1634 of 2026

5.The Additional Superintendent of Police,
Special Investigation Division, Crime Branch CID,
Coimbatore.

..... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 29.01.2026 to grant remission to the petitioner's husband, Mohammed Hanifa @ Tenkasi Hanifa and release him forthwith.

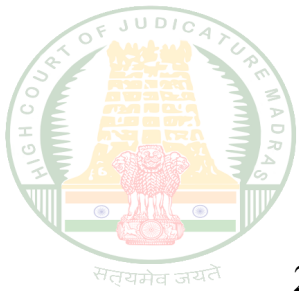
For Petitioner : Mr.SMA.Jinnah

For Respondents : Mr.G.Karuppasamy Pandian,
Counsel for the State of Tamil Nadu
(Criminal Side)

ORDER

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

This writ petition has been filed for the issue of writ of mandamus directing the respondents to consider the representation dated 29.01.2026 and to grant remission to the petitioner's husband, who is undergoing sentence at Central Prison, Trichy.



W.P.CRL.(MD).No.1634 of 2026

WEB COPY

2. Heard the learned counsel on either side.

3. The case of the petitioner is that a non-bailable warrant was pending in Crime No.237 of 2011. This warrant was sought to be executed on 08.07.2013, under which point of time, the convict is said to have prevented the Police Officer from executing the warrant and he indulged in the commission of an offence. In view of the same, an FIR came to be registered in Crime No.240 of 2013. Pursuant to the execution of the non-bailable warrant, the petitioner's husband was confined inside the jail and insofar as Crime No.240 of 2013, formal arrest was shown only on 11.11.2013. Bail was granted to the convict on 10.11.2016 and he underwent trial in S.C.No.131 of 2014 before the learned Principal Sessions Judge, Dindigul and the same ended in acquittal by judgment dated 20.12.2018.

4. The further case of the petitioner is that the State filed an appeal in CrI.A.(MD).No.475 of 2019 against the judgment of acquittal and this Court by judgment dated 23.10.2025, reversed the judgment of the trial Court. The convict was questioned on the sentence on 28.10.2025 and ultimately, he was convicted and sentenced in the following manner:



WEB COPY



W.P.CRL.(MD).No.1634 of 2026

Offence	Sentence
307 IPC	Five years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo one month rigorous imprisonment
153-A IPC	Two years simple imprisonment
353 IPC	Two years simple imprisonment
16(1)(b) of the Unlawful Activities (Prevention) Act, 1967	Five years rigorous imprisonment and to pay a fine of Rs.1000/- in default to undergo three months simple imprisonment
4(b)(i) and 4(b)(ii) of the Explosive Substances (Amendment) Act, 2001	Five years rigorous imprisonment and to pay a fine of Rs.500/- in default to undergo six months rigorous imprisonment

The above sentences were ordered to be run concurrently. This Court also made it clear that the incarceration already undergone by the convict will be set off as per Section 428 of Cr.P.C.

5. It is the case of the petitioner that the convict has already undergone five years rigorous imprisonment and the period came to an end in May 2026. It is under these circumstances, a representation was made on 29.06.2026 and since the same was not considered, the present writ petition came to be filed before this Court.



W.P.CRI..(MD).No.1634 of 2026

WEB COPY

6. The fourth respondent filed a counter-affidavit. Apart from raising other grounds opposing the release of the convict, the actual period of incarceration suffered by the convict has been summarized by way of a tabular column and for proper appreciation, the same is extracted hereunder:

Section of Law	Sentence Imposed
307 IPC	RI for five years and fine of Rs. 1000/- in-default RI for one month
153-A IPC	SI for two years
353 IPC	SI for two years
16(1)(B) of the Unlawful Activities (Prevention) Act, 1967	RI for five years and fine of Rs. 1000/- in-default SI for three months
4(b)(i) and 4(b)(ii) of ES Act, 2001	RI for five years and fine of Rs. 500 each totally Rs.1000/- in-default for six months

All the sentences were ordered to run concurrently.

7. In view of the above, a specific stand has been taken to the effect that apart from the fact that the convict is not entitled for remission, the



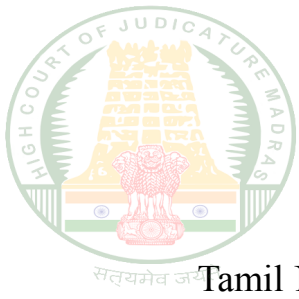
W.P.CRL.(MD).No.1634 of 2026

WEB COPY

convict has also not undergone the entire sentence and that the period of sentence comes to an end on 20.07.2026. Accordingly, the respondents have sought for the dismissal of this petition.

8. The learned counsel appearing for the petitioner submitted that the occurrence in Crime No.240 of 2013 had taken place on 08.07.2013 and in spite of the same, instead of showing arrest on the same day, intentionally, formal arrest was shown. The formal arrest was shown only on 11.11.2013. Hence, the respondents ought to have taken into consideration the four months period of incarceration undergone by the convict from 08.07.2013 to 11.11.2013.

9. Per contra, the learned counsel for the State of Tamil Nadu (Criminal Side) submitted that the non-bailable warrant was executed against the convict in Crime No.237 of 2011 and the convict was remanded to judicial custody on 08.07.2013. Insofar as the present case is concerned, formal arrest came to be made only on 11.11.2013 and therefore, the period of incarceration undergone by the convict can be calculated from only 11.11.2013. The learned Counsel for the State of



W.P.CRL..(MD).No.1634 of 2026

WEB COPY

Tamil Nadu (Criminal Side) submitted that the period from 08.07.2013 up to 11.11.2013 cannot be calculated and that the confinement pertains to Crime No.237 of 2011. The learned counsel also objected to the remission sought for by the convict.

10. We have carefully considered the submissions made on either side and the materials available on record.

11. It is not necessary for this Court to go into the entitlement of remission at this stage, since it will suffice to first satisfy ourselves as to whether the convict has undergone the entire period of sentence in the present case.

12. There was an earlier case against the convict in Crime No.237 of 2011 and in this case, non-bailable warrant came to be issued and it was sought to be executed on 08.07.2013. At that point of time, it is held that the convict had prevented the Police Officer from executing the warrant and had attacked the Police Officer as a result of which, an FIR came to be registered in Crime No.240 of 2013. On the date of arrest, on 08.07.2013,

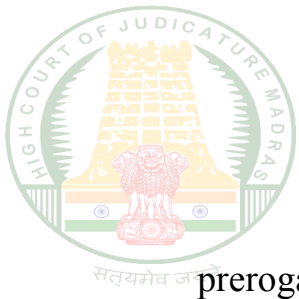


W.P.CRL..(MD).No.1634 of 2026

WEB COPY

it pertained to case in Crime No.237 of 2011 and not the case in Crime No. 240 of 2013. Insofar as Crime No.240 of 2013 is concerned, formal arrest was made only on 11.11.2013. The Bone of contention that the period from 08.07.2013 to 11.11.2013 must also be calculated and it has to be set off and if the same is done, the convict would have undergone sentence for the entire five years pursuant to the earlier order passed by this Court.

13. We are not in agreement with the above submission. For the period from 08.07.2013 to 11.11.2013, no arrest was shown for the convict insofar as Crime No.240 of 2013 is concerned. That arrest confined itself only to Crime No.237 of 2011. Hence, by no stretch the period that can be added towards set off in the present case. The contention of the learned counsel appearing for the petitioner that the convict could have been arrested even in the subsequent FIR in Crime No.240 of 2013 on 08.07.2013. But, however, intentionally the arrest was shown only on 11.11.2013, is also not sustainable. The incident pertaining to Crime No.240 of 2013 started with the complaint made by the Police Officer, who is said to have attacked and a separate investigation has taken place and in the course of investigation, formal arrest was made only on 11.11.2013. Insofar as an arrest in the course of investigation is concerned, it is



W.P.CRI..(MD).No.1634 of 2026

WEB COPY

prerogative of the investigation officer as to when the arrest is required in order to aid the course of investigation. Therefore, just because the convict could have been arrested on 08.07.2013 itself in Crime No.240 of 2013, that will not justify the stand that for the period from 08.07.2013 to 11.11.2013, the period must be taken into consideration and given set off for the present case in Crime No.237 of 2011. This ground will go against the very object of the set off provided under Section 428 of Cr.P.C.

14. In the light of the above discussion, we hold that the convict has not undergone the entire sentence period imposed by this Court and hence, the relief as sought for by the petitioner cannot be granted by this Court and accordingly, this writ petition (criminal) is dismissed.

[N.A.V., J.] & [K.K.R.K., J.]
22.06.2026

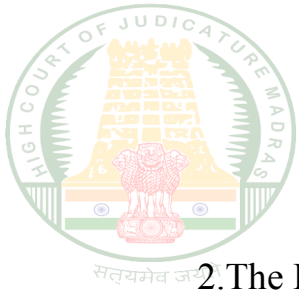
NCC : Yes / No

Index : Yes / No

TSG

Copy to

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O/o. The Additional Director General of Prison
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W.P.CRL..(MD).No.1634 of 2026

WEB COPY

- 2.The Deputy Inspector General of Prison,
O/o. The Deputy Inspector General of Prison,
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Madurai Central Prison Campus,
New Jail Raod, Madurai District.
- 3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.
- 4.The Superintendent of Prison,
Trichy Central Prison,
Trichy.
- 5.The Additional Superintendent of Police,
Special Investigation Division, Crime Branch CID,
Coimbatore.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P.Crl.(MD).No.1634 of 2026

N.ANAND VENKATESH, J.
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W.P.Crl.(MD).No.1634 of 2026

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