



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2026

CORAM

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

**W.P.Crl.(MD).No.1351 of 2026**

G.Dinesh @ Dineshkumar

..... Petitioner

Vs.

1.State of Tamilnadu,  
Rep. By The Principal Secretary to  
Government,  
Home (Prison-Iv) Department,  
Secretariat,  
Fort St.George,  
Chennai-600 009.

2.The Director General of Police / Director  
General of Prison and Correctional Service,  
Egmore, Chennai-600 008.

3.The Superintendent of Prison,  
Madurai Central Prison,  
Madurai-625 016.

..... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for  
issuance of Writ of Certiorarified Mandamus, calling for the records



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pertaining to the impugned Order passed by the first respondent in G.O. (D) No.666, Home (Prison-IV) Department, dated 30.05.2025 and quash the same as illegal and consequently direct the first respondent to treat the petitioner, namely, Dinesh @ Dineshkumar. s/o Ganesan (C.P.No.5204) as having become eligible for the premature release by G.O.(Ms).No.488, Home (Prison-IV) Department, dated 15.11.2021 and set him at liberty forthwith.

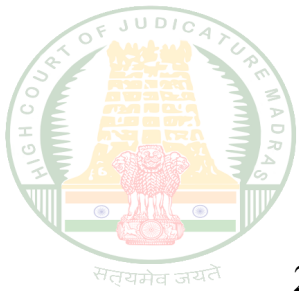
For Petitioner : Mr.C.Mayil Vahana Rajendran

For Respondents : Mr.T.Lenin Kumar,  
Counsel for State of Tamil Nadu,  
(Criminal Side)

### **ORDER**

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

This writ petition has been filed challenging the proceedings of the first respondent made in G.O.(D) No.666, Home (Prison-IV) Department, dated 30.05.2025 and for a consequential direction to the first respondent to grant premature release to the petitioner, who is presently serving sentence at Central Prison, Madurai.



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2. The case of the petitioner is that he was convicted and sentenced to undergo life imprisonment for offence under Section 302 r/w 34 IPC by the Principal Sessions Court, Ramanathapuram in S.C.No.110 of 2007 by judgment dated 29.04.2011. The Criminal Appeal filed by the petitioner in CrI.A.(MD).No.192 of 2013 came to be dismissed by this Court by judgment dated 13.06.2014 and thereby, the judgment of the trial Court was confirmed.

3. In view of the above, the petitioner was undergoing sentence and the petitioner had completed 10 years, 3 months and 13 days of actual imprisonment as on 15.09.2021. According to the petitioner, he satisfied the eligibility criteria under G.O.(Ms).No.488, Home (Prison0IV) Department, dated 15.11.2021 and therefore, he was entitled for premature release. In view of the same, a representation was made and a recommendation was also made for the premature release of the petitioner by the Government. However, when the files were placed before his Excellency the Governor, the file was returned back with an endorsement that the request for premature release can be considered after completion of 14 years of imprisonment. Pursuant to the same, the first respondent passed G.O.(D).No.1202 dated 17.10.2023 rejecting the premature release.



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4. The petitioner filed W.P.(MD).No.28524 of 2023 challenging the rejection order and the same was also allowed before this Court by setting aside the rejection order on 01.08.2024. The matter was remitted back to the first respondent with a direction to consider the claim by applying the relevant Government Order and pass orders as expeditiously as possible.

5. Pursuant to the above direction, the first respondent reconsidered the case and recommended for the premature release which was also approved by the Council of Ministers. The file was forwarded to his Excellency the Governor. Once again, the file was returned on the ground that there is nothing extraordinary that warrants the premature release before the completion of 14 years sentence. Based on the same, the first respondent through the impugned proceedings rejected the request made by the petitioner for premature release. Aggrieved by the same, the present writ petition has been filed before this Court.

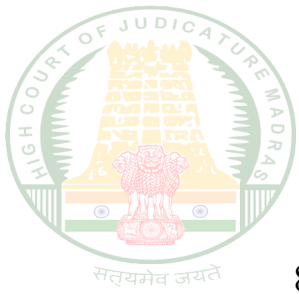
6. A counter-affidavit has been filed by the respondents. The respondents have take a stand that his Excellency the Governor has



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returned the file with an endorsement to the effect that the claim for premature release can be considered after the mandatory period of 14 years and the same was taken into consideration by the Government and the request of the petitioner for premature release was rejected. It is further stated that the power under Article 161 of the constitution of India is exercised in a structured manner based on relevant inputs and the final decision reflects the due application of mind of all the factors which includes the opinion of his Excellency the Governor. That apart, the petitioner does not have a right to be considered for premature release. In view of the same, the respondents have sought for dismissal of this petition.

7. The matter came up for hearing on 28.04.2026 and this Court after hearing both sides brought to the notice of the learned counsel the judgment of the Full Bench in the case of *Eswaran Vs. State, represented by its Home Secretary* reported in **2026 (2) CTC 753**, wherein, it was held that once the Government has recommended for premature release and such recommendation is made based on the decision taken by the Council of Ministers, his Excellency the Governor cannot refuse to accord sanction. The learned counsel appearing on either side took some time.



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8. When the matter was taken up for hearing today, the learned counsel for the State (Criminal Side) submitted that the petitioner has completed 14 years of imprisonment and hence, the premature release of the petitioner will be considered by the first respondent on merits.

9. In our considered view, it is not necessary for this Court to go into the legality or otherwise of the endorsement made by His Excellency the Governor while returning the file to the first respondent, since the objection raised by his Excellency the Governor has now been fulfilled since the petitioner has completed 14 years of imprisonment.

10. In view of the above development, there shall be a direction to the first respondent to pass an order of premature release of the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order.

11. This writ petition (Criminal) stands allowed with the above directions.

**[N.A.V., J.] & [K.K.R.K., J.]**  
**05.06.2026**

NCC : Yes / No  
Index : Yes / No  
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Copy to

1.The Principal Secretary to Government,  
Home (Prison-Iv) Department,  
Secretariat,  
Fort St.George,  
Chennai-600 009.

2.The Director General of Police / Director  
General of Prison and Correctional Service,  
Egmore, Chennai-600 008.

3.The Superintendent of Prison,  
Madurai Central Prison,  
Madurai-625 016.

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



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**N.ANAND VENKATESH, J.**  
**AND**  
**K.K.RAMAKRISHNAN, J.**

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