



WP CrI. (MD)No.2175 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2026

CORAM:

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

WP CrI.(MD)No.2175 of 2026
and WMP(MD) No.538 of 2026

Muthulakshmi

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the Home Secretary
The Government of Tamilnadu
Fort St. George,
Chennai 600 009.

2. The State of Tamilnadu
Rep. by the Home Secretary
Home (prison) Department,
The Government of Tamilnadu
Fort St. George,
Chennai.

3. The Additional Director General of Police/Inspector General of Police,
CMDA Towers II No.
Gandhi Irwin Road
Egmore Chennai.



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4. The Deputy Inspector General of Police,
Madurai Circle,
Madurai.

5. The Superintendent of Central Prison,
Central Prison, Madurai,
Madurai District.

6. The Inspector of Police,
Y.Othakadai Police Station,
Madurai District

... Respondents

PRAYER :-Writ is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the entire records connected with the impugned order passed by the 1st respondent in G.O.(D) No.1478 Home (Prison-IV) Department dated 06.12.2024 and impugned proceedings passed by 5th respondent in No.3052/Tha.Ku. 1/2024 dated 11.08.2025 and quash the same as illegal and direct the 1st respondent to release the petitioner's husband namely Pandi, S/o.Muthaiah LCT No.5201 from the 5th respondent prison in accordance with G.O.(Ms) No.488 dated 15.11.2021.

For Petitioner : Mr.S.Sivaprakash
For Respondents : Mr.T.Leninkumar
Counsel for State



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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 in G.O.(D) No.1478 Home (Prison-IV) Department dated 06.12.2024 and the proceedings of the 5th respondent in No. 3052/Tha.Ku.1/2024 dated 11.08.2025 and direct the first respondent to release the petitioner's husband in accordance with G.O.Ms.No.488 dated 15.11.2021.

2. Heard the learned counsel for the petitioner and the learned counsel for the State.

3. The petitioner's husband is a life convict LCT No.5201 and is serving sentence at Central Prison, Madurai. A representation was made by the petitioner seeking for premature release under G.O.Ms.No. 488 dated 15.11.2021. Since the same was not considered, WP(MD) No. 6393 of 2023 was filed before this court. This court directed the first

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respondent to consider the representation within a period of twelve weeks by order dated 12.06.2023.

4. Pursuant to the above order, the Government issued G.O.(D) No.1188 on 16.10.2023 rejecting the request for premature release. The said proceedings came to be challenged before this court in WP(MD) No. 28300 of 2023. This Court, by order dated 01.08.2024 set aside the impugned Government order and directed the first respondent to consider the claim of premature release afresh by applying G.O.Ms.No.488 dated 15.11.2021.

5. The petitioner sent a representation on 16.10.2024 followed by a legal notice calling upon the first respondent to comply with the orders passed by this court. The impugned rejection order, which is the subject matter of challenge in this writ petition, came to be issued. Aggrieved by the same, the present writ petition has been filed before this court.



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6. The learned counsel for the State, on instructions, submitted that the convict has undergone sentence of 11 years, 10 months and 5 days.

7. This court carefully considered the submissions made on either side and the materials available on record.

8. The petitioner has sought for premature release based on G.O.Ms.No.488 dated 15.11.2021. The said request made by the petitioner was positively considered by the Government and the files were placed before His Excellency, the Governor. His Excellency, the Governor has returned the file stating that the remission is premature and it would be travesty of justice. Based on the same, the impugned proceedings came to be issued by the first respondent.

9. The issue involved is no longer *res integra* and it is covered by the judgment of the Full Bench in ***Eswaran v. State dated 02.04.2026***.



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The relevant portions are extracted hereunder:

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“4. Ergo, the aforesaid Division Bench framed two issues and directed the Registry to place the above matters before the Hon’ble Chief Justice to constitute a Larger Bench for an authoritative pronouncement. Upon the directions of the Hon’ble Chief Justice, this Full Bench was constituted to decide the aforereferred two issues which are extracted below:

i. Whether His Excellency The Governor is bound by the advice given by the Council of Ministers in matters relating to remission and premature release?

ii. If he is so bound, under what circumstances, does the Governor have the discretion to take a view different from that taken by the Council of Ministers?

...

11. In the light of the above discussion, this Court answers both the issues under reference cumulatively by holding that while exercising powers under Article 161 of the Constitution of India in matters relating to remission and premature release of convict prisoners, the Hon’ble Governor is bound by the advice of the Council of Ministers regardless of whether the Hon’ble Governor likes that advice or not and under no



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circumstance, the Hon'ble Governor can exercise discretion to take a different view from the one taken by the Council of Ministers."

10. It is clear from the above judgment that in matter relating to remission and premature release, His Excellency the Governor is bound by the advice of the Council of Ministers. In the case in hand, the State has already recommended the case for premature release on the ground that the convict satisfies the requirement under G.O.Ms.No.488 dated 15.11.2021. Hence, the same ought not to have been rejected since His Excellency the Governor is bound by the advice of the Council of Ministers.

11. In the light of the above discussion, the proceedings of the first respondent in G.O.(D) No.1478 Home (Prison-IV) Department dated 06.12.2024 is hereby set aside and there shall be a direction to the first respondent to pass an order and grant premature release to the petitioner's husband namely Pandi, S/o.Muthaiah LCT No.5201 currently serving sentence at Central Prison, Maduri, in accordance with G.O.Ms.No.488 dated 15.11.2021 within a period of six weeks from the

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date of receipt of a copy of this order.

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12. This writ petition is allowed in the above terms.

Consequently connected Miscellaneous Petition is closed.

[N.A.V., J.] [K.K.R.K., J.]
19.06.2026

NCC :Yes/No

Index :Yes/No

RR

To

1. The Home Secretary
Fort St. George, Chennai 600 009.

2. The Home Secretary
Home (prison) Department,
Fort St. George, Chennai.

3. The Additional Director General of Police/Inspector General of Police,
CMDA Towers II No. Gandhi Irwin Road Egmore Chennai.

4. The Deputy Inspector General of Police,
Madurai Circle, Madurai.

5. The Superintendent of Central Prison,
Central Prison, Madurai, Madurai District.

6. The Inspector of Police,
Y.Othakadai Police Station, Madurai District

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

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AND
K.K.RAMAKRISHNAN,J.

RR

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