



CrI.O.P(MD) No.10107 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

CrI.O.P(MD) No.10107 of 2026

Rajesh

...Petitioner/Life Convict

Vs

1. The Superintendent of Prison
Central Prison,
Trichy – 20.

2. State of Tamil Nadu
Represented by
The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
Crime No.57 of 2006

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the first respondent to grant the benefit of set off the remand period already undergone by the petitioner from 08.04.2006 to 13.03.2008 (706 days) under Section 428 of Cr.P.C Corresponding to Section 468 of BNSS, during the trial of S.C.No.44 of 2007 on the file of the learned Principal Sessions Judge, Thanjavur.



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For Petitioner : Mr.K.A.S.Prabhu

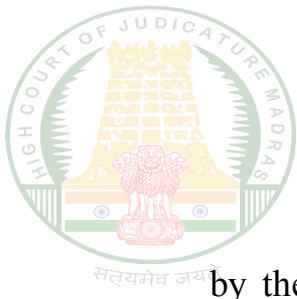
For Respondents : Mr.P.Samuel Gunasingh
Government Advocate (CrI.Side)

ORDER

The present petition has been filed by a life convict in S.C.No.44 of 2007 on the file of the Principal Sessions Court, Thanjavur, seeking a direction to the first respondent to grant benefit of set off, of the remand period already undergone by the petitioner during the trial.

2. The petitioner herein was convicted in S.C.No.44 of 2007 on the file of the learned Principal Sessions Judge, Thanjavur, on 14.03.2008 and imposed with death sentence. The petitioner herein had preferred CrI.A(MD) No.155 of 2008, which was tagged along with referred trial R.T.No.1 of 2008. This Court, by an order dated 25.04.2008, after confirming the conviction had modified the punishment to one of life imprisonment.

3. According to the learned counsel appearing for the petitioner, the petitioner was an under trial prisoner for the period between 08.04.2006 and 13.03.2008 for 706 days. A Certificate to the said effect has been produced



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by the petitioner, which was issued by the Office of the Superintendent of Prison, Central Prison, Trichy, on 15.05.2026.

4. The learned counsel appearing for the petitioner relying upon Section 428 of Cr.P.C, had contended that the period spent by him during the remand period has to be set off.

5. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

6. It could be seen from the Certificate issued by the Office of the Superintendent of Prison, Central Prison, Trichy, on 15.05.2026 that the period of remand during investigation of the petitioner was between 08.04.2006 and 13.03.2008 (706 days).

7. In such circumstances, this Court is of the considered opinion that the said 706 days could be set off. Accordingly, there shall be a direction to the first respondent herein to confer the benefits of set off, of the remand period which was already undergone by the petitioner.



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8. In such view of the matter, the prayer sought for by the petitioner stands allowed. Accordingly, this Criminal Original Petition is allowed.

18.06.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Principal Sessions Judge,
Thanjavur.
2. The Superintendent of Prison
Central Prison,
Trichy – 20.
3. The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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