



W.P.Crl.(MD)No.592 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2026

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

W.P.Crl.(MD)No.592 of 2025

and

W.M.P.Crl.(MD)Nos.170 & 171 of 2025

Subbulakshmi

... Petitioner

-VS-

1.The Principal Secretary to the Government,
O/o.The Principal Secretary to the Government,
Home (Prison IV) Department,
Secretariat, St. George fort,
Chennai-600 009.

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.

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

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in G.O(D)No.835, dated 04.07.2025 passed by the first respondent and quash the same as illegal and subsequently direct the first respondent to release the petitioner's brother namely Kumar @ Selvakumar, son of Aandi Mudhaliyar (LCP No.678 & PIC.No.18021) permaturely.

For Petitioner : Mr.SMA.Jinnah

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by G.K. ILANTHIRAIYAN,J.)

This writ petition has been filed challenging the order passed by the first respondent, dated 04.07.2025, thereby, rejecting the request made by the petitioner for premature release of the petitioner's brother.



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3. The learned counsel appearing for the petitioner would submit that initially, the first respondent rejected the request made by the petitioner seeking premature release of her brother without considering the report submitted by the third respondent. Challenging the said rejection order, the petitioner has filed the writ petition before this Court in W.P.(MD)No.15956 of 2024. This Court, by an order dated 02.01.2025 set aside the said rejection order and remitted the matter back to the first respondent for fresh consideration by considering the report submitted by the third respondent herein. Once again, the request made by the petitioner was rejected by the first respondent without considering the report submitted by the third respondent. In fact, as directed by this Court, the first respondent did not pass orders, within a time stipulated by this Court. Therefore, the petitioner was constrained to approach this Court by way of contempt petition in Cont.P(MD)No.1398 of 2025. While pending contempt petition, in a hurried manner, the first respondent once again rejected the request made by the petitioner. That apart, the third respondent submitted a detailed report about the conduct of the convict and he recommended for premature release. Even then,



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without considering the same, the first respondent rejected the request made by the petitioner only for the reason that the petitioner approached this Court by way of contempt petition as against the first respondent for disobeying the order passed by this Court in W.P(MD)No.15956 of 2024.

4. Counter affidavit filed by the respondents and the submission made by the learned Additional Public Prosecutor appearing for the respondents revealed that in order to invoke G.O(Ms)No.488, Home (Prison-IV) Department, dated 15.11.2021, the convict should have fulfilled the conditions prescribed therein. As per the Government Order and also the guidelines issued by the Government from time to time, it is revealed that the Government Order is eligible for the convict, who have completed, 10/20 years of imprisonment. So far, the convict has been languishing in imprisonment only for 13 years, 6 months and 1 day of actual imprisonment as on 15.09.2021. Therefore, G.O(Ms)No. 488, Home (Prison-IV) Department, dated 15.11.2021 is not applicable to the petitioner's brother. That apart, G.O.Ms.No.430, Home (Prison-IV) Department, dated 11.08.2023 is clear that when the family members of



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the victim objects for premature release of the convict, this Government Order is not applicable.

5. On perusal of the records revealed that there is an objection from the victim's family members for premature release of the petitioner's brother. Therefore, G.O.(Ms)No.430, Home (Prison-IV) Department, dated 11.08.2023 cannot be invoked in the case of the petitioner's brother. Though the petitioner's brother has now completed more than 17 years of his imprisonment, when the family members of the victim raised an objection, the petitioner's brother is not entitled for premature release. However, the learned counsel for the petitioner submitted that now the family members of the victim and the convict person's family members are having cordial relationship and they are also living far away from the place of the convict's family members.

6. The G.O(Ms)No.488, Home (Prison-IV) Department, dated 15.11.2021 has also imposed conditions regarding the safety of life of the family which was affected by the prisoner, if released while



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considering the request for premature release. Therefore, when there is an objections raised by the victim's family members, the convict is not entitled for premature release. Therefore, the first respondent has rightly rejected the request made by the petitioner seeking premature release of her brother. Hence, this Court finds no infirmity or illegality in the order passed by the first respondent and no interference is required in this matter.

7. In view of the above, this writ petition is dismissed. However, if the victim's family members are having cordial relationship with the convict family members, the petitioner is at liberty to submit a fresh application seeking premature release along with affidavit from the victim's family members. Consequently, connected miscellaneous petitions are closed.

[G.K.I., J.] [R.P., J.]
05.01.2026

am
NCC :Yes/No
Index: Yes/No
Internet: Yes/No



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G.K. ILANTHIRAIYAN,J.
AND
R. POORNIMA,J.

am

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