



W.P.CrL..(MD).No.8 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2026

CORAM

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
AND
THE HONOURABLE MR.JUSTICE P.DHANABAL**

W.P.CrL.(MD).No.8 of 2026

Raj @ Mathan @ Selladurai

..... Petitioner

Vs.

**1.The State of Tamilnadu represented by its
The Principal Secretary to Government,
Home (Prison IV) Department,
Secretariat, St. George,
Chennai- 600 009.**

**2.The Additional Director General of Prison,
Egmore, Chennai- 600 008.**

**3.The Deputy Inspector of General Prison,
Office of the DIG of Prisons and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.**

**4.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli.**

..... Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order issued by the 1st respondent in G.O(D) No.1369, dated 26.10.2025 and quash the same and directing the first respondent to release the petitioner (L.C.7647) prematurely from the fourth respondent prison.

For Petitioner : Mr.K.Navaneetharaja

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

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

The present Writ Petition has been filed challenging the impugned order issued by the first respondent in G.O.(D) No.1369, dated 26.10.2025 and for a direction to the first respondent to prematurely release the petitioner, who is undergoing sentence at Central Prison, Palayamkottai.

2. Heard Mr.K.Navaneetharaja, learned counsel for the petitioner and Mr.A.Thiruvadikumar, learned Additional Public Prosecutor,



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appearing for the respondents.

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3. The petitioner, along with 11 other accused persons, underwent trial before the Additional Sessions Judge, FTC I, Tirunelveli, in S.C. No.697 of 2000 and the petitioner was arrayed as A2 in that case. By judgment, dated 05.02.2004, except A12, all others were awarded life sentence on three counts. The said judgment was confirmed by this Court in Crl.A.(MD) No.621 of 2004, by judgment dated 12.12.2008. As per the counter filed by the respondents, the petitioner failed to surrender and was later secured by the Police and re-admitted to prison on 11.08.2009 and from then on, the petitioner has been undergoing sentence. The judgment passed by this Court has become final, since no further appeal was filed before the Apex Court.

4. The petitioner made a representation seeking premature release and the same came to be rejected by the proceedings of the first respondent, dated 26.10.2025. Aggrieved by the same, the present Writ Petition has been filed before this Court.



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5. The main ground urged by the learned counsel for the petitioner is that A8 to A11 were granted premature release in the very same case and therefore, the petitioner must also be considered on the same yardstick. Hence, the impugned Government Order passed by the first respondent is arbitrary and discriminatory.

6. In reply, the learned Additional Public Prosecutor, by relying upon the counter affidavit filed by the respondents submitted that the representation made by the petitioner was considered under four Government Orders and ultimately by the Advisory Board. Insofar as G.O.Ms. No.873, dated 04.09.2006, as on the recurring date, the petitioner did not fulfil the criteria and therefore, the petitioner was not eligible under this Government Order. Insofar as G.O.Ms. No.488, dated 15.11.2021 and G.O.Ms. No.430, dated 11.08.2023, both these Government Orders contain a specific clause to the effect that where an accused is involved in more than one murder, they will not be entitled to be considered for premature release. Since, in the case on hand, it is a triple murder case, both these Government Orders were not applicable to the petitioner.



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7. While considering the premature release of the petitioner under G.O.Ms.No.64, dated 25.02.2018, as on the recurring date, the petitioner had undergone sentence only for a period of 9 years, 7 months and 13 days and had not completed 10 years. Therefore, the petitioner was not found eligible for premature release.

8. Ultimately, the matter was considered by the Advisory Board. The minimum criteria for considering premature release was fulfilled by the petitioner, since he had undergone 14 years of imprisonment as on 05.09.2022. However, the Advisory Board rejected the request on the ground that the petitioner was involved in a heinous crime and had failed to surrender even after the dismissal of the criminal appeal and had to be secured by the Police later. Since he was re-admitted to prison only on 11.08.2009, the Advisory Board decided to reject the claim of premature release made by the petitioner.

9. In the considered view of this Court, premature release cannot be claimed as a matter of right and the convict has to fulfil the conditions imposed under the relevant remission G.Os. As discussed supra, the



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petitioner did not fulfil the criteria under G.O.Ms. No.873, dated 14.09.2006, G.O.Ms. No.488, dated 15.11.2021, G.O.Ms. No.430, dated 11.08.2023 and G.O.Ms. No.64, dated 25.02.2018 and therefore, the petitioner is not entitled to premature release under these Government Orders. Insofar as the decision taken by the Advisory Board is concerned, it cannot be interfered with unless it is shown to be arbitrary.

10. The claim made by the petitioner that his case was not considered on the same yardstick applied to A8 to A11 also does not merit acceptance. Insofar as A8, A9 and A11 are concerned, their cases were individually considered by the Advisory Board and recommendations were made for premature release. Insofar as A10 is concerned, he fulfilled the condition stipulated under G.O.Ms. No.64, dated 25.02.2018. Therefore, the petitioner cannot claim premature release on the ground that A8 to A11 were granted such relief. Each accused has to be considered independently, either based on the applicable Government Orders or on the satisfaction of the Advisory Board. A common yardstick cannot be applied in all cases.



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11. In the counter affidavit filed by the respondents, it is relevant to take note of paragraph No.17, which is extracted hereunder:

With regard to the averments in ground (B) of the affidavit, it is submitted that premature release is not a matter of right but only a concession subject to the satisfaction of the Government. Completion of a minimum period of sentence does not confer any enforceable or vested right to claim premature release. The Government is empowered to consider the gravity of offence and other disqualifying factors while taking a decision. His case was already considered for premature release as per Section 473(1) of BNSS, 2023. His case will again be re-considered based on the fresh reports in due course as per Tamil Nadu Prison Rules, 2024.

12. It is clear from the above that the claim made by the petitioner seeking premature release can be considered under Section 473(1) of BNSS, 2023. Hence, this Court is inclined to issue a direction to the first respondent to re-consider the claim made by the petitioner for premature release.



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13. On going through the impugned Government Order, dated 26.10.2025, it is seen that the case of the petitioner was recommended for premature release by the Advisory Board, since the petitioner had consistently exhibited satisfactory behavior inside the prison. Apart from that, the Probation Officer had also recommended premature release.

14. In the light of the above discussion, this Court is not inclined to interfere with the impugned Government Order, dated 26.10.2025. However, there shall be a direction to place the report of the Probation Officer, Tirunelveli and the recommendation made by the Advisory Board before the first respondent, along with the report of the Advisory Board to be convened in July 2026. The first respondent shall re-consider the claim made by the petitioner for premature release under Section 473(1) of BNSS, 2023 and pass necessary orders on or before 31.08.2026.



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15. In the result, this Writ Petition is disposed of on the above terms. No costs.

[N.A.V., J.] & [P.D.B., J.]
17.03.2026

NCC : Yes / No
Index : Yes / No

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Chennai- 600 009.

2.The Additional Director General of Prison,
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5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

N.ANAND VENKATESH, J.
AND
P.DHANABAL, J.

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