

## **Press Release**

There have been reports in the press about the release of three life convicts Thiru Nedu @ Nedunchezhan S/o Arunachalam, Thiru Madhu @ Ravindran S/o Govindan and Thiru Muniappan S/o Chenrayan under Article 161 of the Constitution. It is considered necessary that for a proper appreciation of facts the sequence of events and the legal position as enunciated, is placed in the proper perspective.

The State Government had in G.O. (Ms) No.64, Home (Prisons-IV) department, dated 01.02.2018 issued orders for a scheme to release prisoners undergoing life imprisonment on the occasion of the Bharat Ratna Dr. MGR Centenary Celebrations. The decision of the Government was sent to Hon'ble Governor for enabling release of the 1858 Life convicts enmasse under Article 161 of the Constitution. At that juncture the legal position was pointed out that this has to be examined on a case, by case basis and that to enable proper repentance for the crime committed, at least a minimum of 10 years of imprisonment should be prescribed and not 5 years as provided for in the Government order. As per these directions of the Raj Bhavan revised orders were issued by the Government in G.O (Ms) No.302, Home (Prisons-IV) department, dated 03.05.2018.

Files were then being submitted separately for each life convict after examination by a committee headed by the Additional DGP (Prisons) whose recommendation was accepted by a Committee consisting of the Chief Secretary, Home Secretary and Law Secretary and then approved by the Law Minister and Chief Minister before being sent to Raj Bhavan.

A total of 1627 life convicts had been thus ordered for release following this procedure with the orders of the Hon'ble Governor under Article 161 of the Constitution. The cases of these three life convicts

under reference were submitted along with the bunch of files containing the cases of other life convicts. On examining the cases one by one the Hon'ble Governor recorded with regard to these three life convicts that the recommendation of the Government should be reconsidered and returned the file. The file was reconsidered by the Government and submitted on 25.10.2018 with the same recommendations that they be released. Thereafter the Advocate General and the Chief Secretary and Home Secretary met the Hon'ble Governor at Raj Bhavan on 31.10.2018 and explained the details of the case and highlighted the point that the three life convicts had no intention to kill and that they set fire to the bus in a state of mob frenzy. The Hon'ble Governor directed the Advocate General to give his legal opinion along with the observations of the Supreme Court in the case pertaining to them.

The Advocate General in his opinion recorded that the Supreme Court in its order dated 11.03.2016 had observed "We have noticed that the acts attributed to the accused/review petitioners leading to the death of the three innocent girl students of the University were committed in the course of a mob frenzy which started with destruction of public property. The intent of the mob including the accused review petitioners, all along, was to cause damage to public property in order to show their resentment and protest against the conviction of the political leader in question. The victims were unknown persons; there was no premeditation or planning and all that had occurred had so occurred in the flash of moment."

He summarized as follows,

- (1) The death took place during the course of a mob frenzy which was intended to cause damage to public property

- (2) The review petitioners damaged public property in order show their resentment and protest against the conviction of the political leader in question.
- (3) The victims were unknown persons.
- (4) There was no premeditation or planning
- (5) Everything had occurred in the flash of moment.

The Advocate General in his opinion stated that the cases of the three life convicts fell within the guidelines laid down by the Government for release of the prisoners on the occasions of the Bharat Ratna Dr. MGR Centenary Celebrations, the opinion of the Advocate General was accepted by the Government and the file was again recirculated for orders with the approval of the Home Secretary, Law Secretary, Chief Secretary, Law Minister and Chief Minister with the recommendation that the three life convicts should be released prematurely as already proposed.

After being satisfied that the three life convicts will be absorbed by the local society without any disturbance and based on the grounds that the Supreme Court had observed that the deaths had taken place in a state of mob frenzy and taking into account the fact that the three life convicts have been in prison for 13 years, orders were issued approving the premature release of the three life convicts under Article 161 of the Constitution.

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Raj Bhavan, Chennai- 22

Sd/-

Date: 20.11.2018

PRO, Raj Bhavan