



W.P.Crl.No.5 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

W.P.Crl.No.5 of 2025

Rajeshwari

... Petitioner

Vs.

The State represented by its,
1.The Deputy Inspector General of Prison
Coimbatore Range
Coimbatore 641 018

2.The Superintendent
Salem Central Prison
Salem

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to grant 6 days emergency leave without escort to the detenu, Devaraj, S/o.Raja, aged about 31 years, Convict Prisoner, Convict No.9796, from Central Prison Salem.

For Petitioner : Mr.P.Bakiyaraj

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor



W.P.Crl.No.5 of 2025

ORDER

WEB COPY

M.S.RAMESH, J.
AND
V.LAKSHMINARAYANAN, J.

This Writ Petition has been filed praying for the issuance of Writ of Mandamus, directing the respondents to grant 6 days emergency leave without escort to the detenu, Devaraj, S/o.Raja, aged about 31 years, Convict Prisoner, Convict No.9796, from Central Prison Salem.

2. The petitioner's husband is convicted for the offence U/s.363 IPC and sentenced to undergo 3 years imprisonment, U/s.5(m) 5(n) r/w 6 of POCSO Act, 2012 and sentenced to undergo life imprisonment and U/s.506(1) IPC and sentenced to undergo two years imprisonment in S.C.No.58 of 2019 vide order dated 30.11.2021, by the learned Principal Special Judge, Salem.

3.The petitioner submits that she is suffering from heart disease and she is also having block in her heart. The doctors have advised her to undergo angio. Hence, she has sent a representation dated 15.04.2025



W.P.Crl.No.5 of 2025

WEB COPY

to the respondents, seeking 6 days emergency leave to her husband, so that, he can accompany her during her treatment and also will arrange funds for her treatment. Since the same has not been considered till date, the petitioner has come forward with this Writ Petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.



W.P.Crl.No.5 of 2025

WEB COPY

5. In view of the above observation, this Court, without going into the merits of the petitioner's representation or the contentions of the petitioner in the affidavit filed in support of this Writ Petition, directs the respondents to consider the representation of the petitioner dated 15.04.2025, seeking for emergency leave to the convict prisoner, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of one (1) week from the date of receipt of a copy of this order and communicate the same to the petitioner.

6. With the above direction, this Writ Petition stands disposed of.

No costs.

[M.S.R, J.]

[V.L.N, J.]

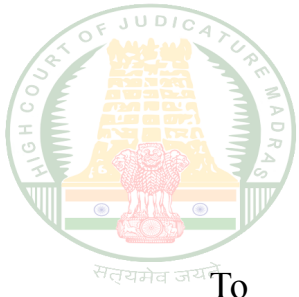
05.06.2025

kas

Index: Yes / No

Neutral Citation

Note: Issue Order Copy on 13.06.2025



W.P.Crl.No.5 of 2025

To
WEB COPY

1.The Deputy Inspector General of Prison
Coimbatore Range
Coimbatore 641 018

2.The Superintendent
Salem Central Prison
Salem

3.The Public Prosecutor,
High Court of Madras
Chennai 600 104



WEB COPY



W.P.Crl.No.5 of 2025

M.S.RAMESH, J.
AND
V.LAKSHMINARAYANAN, J.

kas

W.P.Crl.No.5 of 2025

05.06.2025