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W.P.Crl.No.212 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

CORAM :

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

W.P.Crl.No.212 of 2025

Anjali

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons
Chennai Range
Prison Head Quarters
Whannels Road
Egmore, Chennai 600 008

2.The Superintendent of Prisons
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 21 days ordinary leave without escort to the petitioner's son viz. Sathish Kumar, S/o.Manickam, aged about 32 years, Convict No.9715, Convict Prisoner, Central Prison, Salem.



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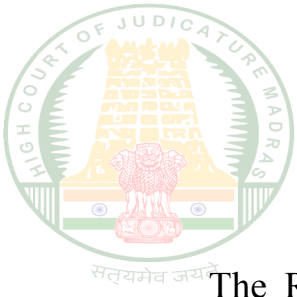
For Petitioner : M/s.S.Nadhiya
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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 21 days ordinary leave without escort to the petitioner's son viz. Sathish Kumar, S/o.Manickam, aged about 32 years, Convict No.9715, Convict Prisoner, Central Prison, Salem.

2. The petitioner's son was convicted U/s.341 and 307 (2) IPC and by the learned Assistant Sessions Judge, Uthangarai, Krishnagiri District in S.C.No.48 of 2015 dated 01.03.2016 and sentenced to undergo seven years of imprisonment, which was modified by the learned Additional District and Sessions Judge, Krishnagiri into five years of imprisonment.



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The Revision filed in Crl.R.C.No.929 of 2019 was dismissed by this Court on 31.08.2021.

3.The petitioner, who is the mother of the convict prisoner, is suffering from chronic Rheumatoid arthrities, and unable to perform her daily tasks. The doctors have advised her to go for higher treatment. With the limited income of her elder son, who is not in a position to afford to the medical expenses of the petitioner. In this situation, the presence of the younger son of the petitioner is very much required to make medical arrangements, livelihood and also for giving emotional relief. Hence, a representation was given by the petitioner's son dated 21.05.2025 to the respondents herein seeking 21 days ordinary leave without escort. Since the same has not been considered by the respondent till date, the petitioner has come forward with the present Writ Petition.

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



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5. 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.

6. 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 respondent to consider the representation of the petitioner dated 21.05.2025, seeking for ordinary leave of 15 days to the convict prisoner, without escort, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of two (2)



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weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

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

[M.S.R, J.]

[V.L.N, J.]

03.07.2025

kas

Index: Yes/No

Neutral Citation

Speaking / Non Speaking

Note: Issue Order Copy on 04.07.2025

To

1.The Deputy Inspector General of Prisons
Chennai Range
Prison Head Quarters
Whannels Road
Egmore, Chennai 600 008

2.The Superintendent of Prisons
Central Prison
Salem

3.The Public Prosecutor,
High Court of Madras
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