



W.P.Crl.No.206 of 2025

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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.206 of 2025

Arokia Mary

... Petitioner

Vs.

The State represented by its

1.The Superintendent
Central Prison
Coimbatore 641 018

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondent to grant emergency leave of 15 days without escort to the detenu, Antony Vinoth, S/o.Joseph Thomas, aged about 42 years, Convict No.23002, detained at Central Prison, Coimbatore.

For Petitioner : Mr.S.Manoharan

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



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ORDER

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M.S.RAMESH, J.

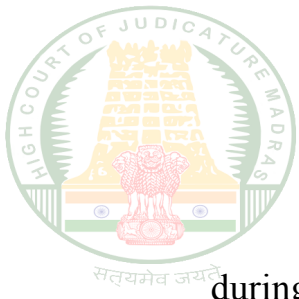
AND

V.LAKSHMINARAYANAN, J.

This Writ Petition has been filed praying for the issuance of Writ of Mandamus, directing the respondent to grant emergency leave of 15 days without escort to the detenu, Antony Vinoth, S/o.Joseph Thomas, aged about 42 years, Convict No.23002, detained at Central Prison, Coimbatore.

2. The petitioner's son is convicted U/s.315 and 506(i) IPC and U/s.5(1) r/w 6 and U/s.5(j)(ii) of POCSO Act, 2012 by the learned Sessions Judge of Magalir Neethimandram, (FTMC), Udthagamandalam at Nilgiris. An appeal preferred in Crl.A.No.231 of 2021 was dismissed by this Court and he has been undergoing the imprisonment for the past four years.

3.Since the doctors had diagnosed a hole in the optical nerve of the petitioner's left eye, which requires urgent surgical intervention, the presence of the convict prisoner is essential to support the petitioner



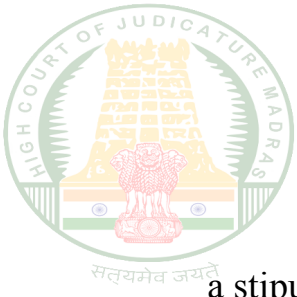
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during her treatment and recovery period. The convict prisoner also needs to have a routine medical check up for his eyes. Hence, a representation dated 10.06.2025 was given to the respondent herein seeking 15 days emergency leave without escort. Since the same has not been considered by the respondent till date, the petitioner has come forward with the present Writ Petition.

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



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a stipulated time.

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 respondent to consider the representation of the petitioner dated 10.06.2025, seeking for emergency 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 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.

[M.S.R, J.]

[V.L.N, J.]

03.07.2025

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Index: Yes/No Neutral Citation

Note: Issue Order Copy on 04.07.2025

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1.The Superintendent
Central Prison
Coimbatore 641 018

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

M.S.RAMESH, J.
AND



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