



W.P.Crl.No.210 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

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Kalaiselvi

... Petitioner

Vs.

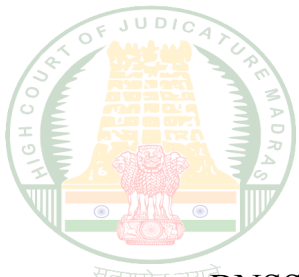
The State represented by its.

1.The Secretary to Government of Tamilnadu
Home (Prison-IV) Department
Secretariat, Fort St. George
Chennai 600 009

2.The Superintendent
Coimbatore Central Prison
Coimbatore 641 018

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to consider the representation dated 09.06.2025 and consecutively remit the remaining sentence under Section 473 of the



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BNSS (U/s.432 of Cr.P.C.) to release the detenu, Thangamani, S/o.Periyasamy, aged about 66 years, Convict No.25415 (PID No.572260), detained at Central Prison, Coimbatore.

For Petitioner : Mr.S.Manoharan
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

The petitioner, who is the wife of the convict prisoner viz. Thangamani, Convict No.25415 (PID No.572260), detained at Central Prison, Coimbatore has come forward with this Writ Petition seeking for premature release pursuant to his representation dated 09.06.2025.

2. The petitioner states that her husband has been convicted in C.C.No.04 of 2007, by the learned II Additional District Judge (Coimbatore), for the offence U/s.120 (B) r/w 468, 471, 420 IPC and U/s.13(2) r/w 13(i)(d) of Prevention of Corruption Act 1988, U/s.468 r/w



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471, U/s.420 r/w 511 of IPC. Aggrieved against the said conviction, Crl.A.No.380 of 2013 was preferred and the same was dismissed by this Court. SLP(Crl.)No.4528 of 2023 was also dismissed by the Hon'ble Supreme Court on 17.04.2023.

3.The petitioner added that her husband is 66 years old and was an advocate, holding distinguished reputation for integrity, professional ethics and service to the legal community. He has been impleaded unfortunately in the above case and facing sentence. During his incarceration, her husband developed chronic and severe ear pain, which persisted for over six months and required medical attention. He was also diagnosed with vertigo, a neurological disorder that causes recurrent dizziness, imbalance and fainting, making him prone to falling. He is also suffering from diabetes mellitus and the prison environment is not adequately equipped to manage his fluctuating sugar levels and complex health needs. He is continuously suffering from dizziness and physical instability, and is often unable to manage daily personal tasks without assistance, resulting in significant hardship.



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4.The petitioner further adds that this was the first case in his whole life and his prison conduct has remained exemplary, with no disciplinary violations. The convict is eligible to be considered for the remission of the remaining sentence U/s.473 of BNSS, 2023 which empowers the appropriate Government to remit whole or any part of the punishment on compassionate and humanitarian grounds. Hence, a representation dated 09.06.2025 was sent to the respondents seeking premature release of the convict. Since there was hardly any positive response from the respondents and none of the respondents have come forward to act upon the said request U/s.473 of BNSS (U/s.432 of Cr.P.C), the petitioner has come forward with this Writ Petition.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

6. 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



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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.

7. 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 09.06.2025, seeking to release her husband / convict prisoner, prematurely, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order and communicate the same to the petitioner.



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8. 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

Speaking / Non speaking

Neutral Citation

To

1.The Secretary to Government of Tamilnadu
Home (Prison-IV) Department
Secretariat, Fort St. George
Chennai 600 009

2.The Superintendent
Coimbatore Central Prison
Coimbatore 641 018

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

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