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WP CrI. No. 438 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-07-2025

CORAM

THE HONOURABLE MR JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP CrI. No. 438 of 2025

Raghunathan

Petitioner

Vs

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

2.The Superintendent of Prison,
Central Prison at Coimbatore,
Gandhipuram, Coimbatore-641 018.

Respondents

Prayer : This writ petition has been filed under article 226 of the Constitution of India to issue a writ of mandamus directing the respondent to grant 30 days Ordinary leave without escort to the petitioner, namely, Mr. Raghunathan S/o. Kuppusamy (PID No.179163) who is confining in 2nd respondent in pursuance of the petitioner's father representation dated 12.06.2025.



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For Petitioner: M.Mohamed Saifulla
For Respondents: E. Raj Thilak,
Addl. Public Prosecutor

ORDER

M.S.RAMESH, J.

and

V. LAKSHMINARAYANAN, J.

This Writ Petition has been filed to direct the respondent to grant ordinary leave for 30 days, without escort to the detenu, Raghunathan S/o. Kuppusamy (PID No.179163), aged about 47 years, Convict prisoner, detained at Central Prison, Coimbatore.

2. The petitioner states that he was convicted and sentenced to undergo life imprisonment for the offence under Section 302 IPC and to undergo 5 years imprisonment for the offence under Section 9(m)(n) of POCSO Act by the learned Principal Special Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore in Spl.C.C.No.92 of 2019 dated 19.10.2022. It is further stated that the petitioner has been undergoing imprisonment for more than 2 ½ years and has no bad antecedents. The

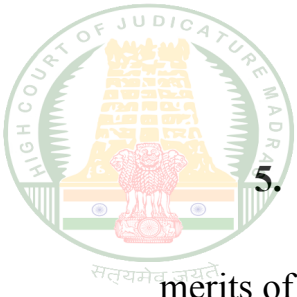


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petitioner's father has undergone a surgery on thigh region and is suffering from various health ailments and hence, he has to make arrangements for his family's livelihood. Furthermore, his family members have decided to partition the property. Hence, petitioner's father submitted a representation to the respondents dated 12.06.2025 seeking ordinary leave for a period of 30 days, without escort. 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 respondents.

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.



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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's father dated 12.06.2025 before the respondents seeking ordinary leave for a period of 30 days, without escort for the petitioner, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of two (2) weeks 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 (Criminal) stands disposed of. No costs.

[M.S.R., J] [V.L.N., J]

29.07.2025

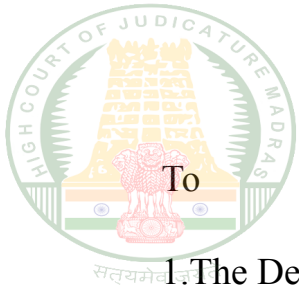
mrp

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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

2. The Superintendent of Prison,
Central Prison at Coimbatore, Gandhipuram,
Coimbatore-641 018.



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