



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

THURSDAY, THE 2<sup>ND</sup> DAY OF NOVEMBER 2023 / 11TH KARTHIKA, 1945

CRL.MC NO. 8565 OF 2023

PETITIONER/S:

1 JOSE



2 MANEESH,



BY ADV N.A.SHAFEEK

RESPONDENT/S:

1 STATE OF KERALA  
REPRESENTED BY SECRETARY TO GOVERNMENT, HOME  
DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695001

2 DIRECTOR GENERAL  
PRISONS AND CORRECTIONAL SERVICES,  
THIRUVANANTHAPURAM,, PIN - 695012

3 THE SUPERINTENDENT  
CENTRAL PRISON, VIYYUR, THRISSUR, PIN - 680010

4 CHAIRMAN,  
DISTRICT LEGAL SERVICE AUTHORITY, THRISSUR  
DISTRICT., PIN - 680010



*2023/KER/67314*

CRL.MC NO. 8565 OF 2023

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**OTHER PRESENT:**

SMT SREEJA V, PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
02.11.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



**P.V.KUNHIKRISHNAN, J**

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**Crl.M.C. No.8565 of 2023**  
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**Dated this the 2<sup>nd</sup> day of November, 2023**

**O R D E R**

This Crl.M.C. is filed with the following prayers :

*“to allow this Crl.M.C and issue a direction to the 4<sup>th</sup> respondent to conduct an enquiry with regard to the brutal attack made on the petitioners and to submit detailed report regarding the illegal activities, being carried out under the 3<sup>rd</sup> respondent, record the statement of the inmates who are having complaint, collect the CCTV footages from 03.10.2023 to 06.10.2023 and issue direction to the 2<sup>nd</sup> respondent to initiate necessary action against the 3<sup>rd</sup> respondent and other officers who are responsible for the brutal manhandling, so as to secure the ends of justice.”*

2. The petitioners are convicted prisoners undergoing imprisonment in Central Prison, Viyyur, Thrissur. It is the case of the petitioners that on 05.10.2023, Vineeth, Dy. Superintendent of Viyyur Central Prison along with some other



officers of Central Prison, Viyyur brutally manhandled the petitioners and due to the attack made by the officers under the 3<sup>rd</sup> respondent, the petitioners have got serious injuries on the back of their body, neck and leg. It is submitted that the petitioners are also manhandled by subordinate officers of the 3<sup>rd</sup> respondent and the petitioners sustained serious injuries all over the body and in order to hide the illegal activity, it is submitted that the petitioners are illegally detained in an isolated cell and denied medical assistance and nobody is permitted to have access to them. It is submitted that their life is under threat. In such circumstances, this Crl.M.C. is filed.

3. When this Crl.M.C. came up for consideration, this Court passed the following order on 16.10.2023.

*“After going through the pleadings in this case, I am of the opinion that the 4<sup>th</sup> respondent should visit the jail and get a statement of the prisoners about the allegation in this case and submit a report before this Court about the genuineness of the allegation of the petitioners. The 4<sup>th</sup> respondent is free to depute another officer also, if necessary, instead of he himself going to the jail authorities. The report shall be placed before this Court within two weeks.*

*Post on 02.11.2023.*



*Registry will communicate this order to the 4<sup>th</sup> respondent forthwith along with a copy of this Crl.M.C.”*

4. Now, the Secretary, District Legal Services Authority, Thrissur visited the jail and obtained the statement of the prisoners and submitted a detailed report. It will be better to extract the relevant portion of the report.

*“I may submit that I have recorded the statements of the petitioners 1 and 2 and the Deputy Superintendent, Vineeth. From the statement, it is seen that the petitioners were assaulted by the officials of the Jail particularly named Jomon, Driver of the Superintendent and Akhil, an Officer of Central Prison, Viyyur in connection with the use and exchange of Beedi (tobacco) and Google Pay number. According to the petitioners, alleged incident happened in the guard room. There is no eye witness to the said incident other than the petitioners and jail officials. Available material to come to a conclusion is the statements of the petitioners. From the statements it is seen that, they were assaulted by Jomon, Driver of the Superintendent and one Akhil, Jail Official at Central Prison, Viyyur. Deputy Superintendent stated that, they have not assaulted the petitioners. He added something that, such a complaint is usually reported while conducting seizure and raid in the jail. The prisoners are to follow the internal discipline strictly. Actual strength of Central Prison is 553 and the present strength is 1046. Inmates of the Jail are*



*bound to obey the jail rules. The officials of the jail authorities have no right or authority to assault the inmates.*

*On analysing the statements of the petitioners and the Deputy Superintendent, it is revealed that Jomon and Akhil, Jail Officials assaulted the petitioners in connection with so called beedi(tobacco) exchange in the jail. The beedi exchange was questioned by the jail officials. When the fact was not disclosed by the petitioners, it appears that some problems arose among the prisoners and officials. But there is no evidence to show that the petitioners were attacked by jail authorities other than their statements. There is no medical record to show that the petitioners were assaulted and hurted by Jail officials. However the grievance of the petitions cannot be ignored.”*

5. It is true that some discipline is necessary inside the jail for which the jail authorities can take appropriate steps. But, physical attack to the prisoners cannot be tolerated. I do not want to make any observation about the above report. But Jail is not a place to show the physical strength of jail officials. It is true that the behaviour of convicts will be different. But it should not be tackled with third degree methods. Patience is necessary to tackle the convicts. The jail authorities should remember that, reformation of the convicts is the basic idea of



imprisonment. I do not want to discuss this in detail. I am of the considered opinion that this is a matter to be investigated by a separate authority not connected to the jail authorities. It will be better to investigate the matter by the State Crime Branch. Therefore, the ADGP, Crime can be directed to investigate the matter under his direct supervision, if necessary through a special team constituted by the ADGP, Crime. If any disciplinary proceedings are necessary to the officers concerned based on the report of 4<sup>th</sup> respondent, the 2<sup>nd</sup> respondent will do the needful in accordance with law.

Therefore, this Crl.M.C. is disposed of with the following directions :

- 1) ADGP, Crime will investigate the matter based on the allegation of the petitioners in accordance with law, under his direct supervision, if necessary after constituting a special team. The special team will investigate the matter and submit the report before the Jurisdictional Court as expeditiously as possible.



2) The 2<sup>nd</sup> respondent will do the needful in accordance with law, if any disciplinary proceedings is to be initiated against any officers in the jail.

3) The Registry will forward a copy of the report submitted by the Secretary, District Legal Services Authority, Thrissur to the Addl. Director General of Police, Crime and also to the 2<sup>nd</sup> respondent.

4) I make it clear that I have not considered the matter on merit and the ADGP, Crime and the disciplinary authority are free to take appropriate steps in accordance with law, untrammelled by any observation in this order.

**Sd/-**  
**P.V.KUNHIKRISHNAN**  
**JUDGE**