



2026:KER:28749

W.P.(Cr1)No.303 of 2026

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K. BABU

TUESDAY, THE 31ST DAY OF MARCH 2026 / 10TH CHAITHRA,

1948

WP(CRL.) NO. 303 OF 2026

PETITIONER:

**SURESH,
AGED 69 YEARS,
S/O. KANDA, MAROTTIKAL HOUSE,
SAHODHARA VEEDHI, PERINGOTTUKARA,
PERINGOTTUKARA PO, THANNIYAM, THRISSUR
DISTRICT , PIN - 680565**

**BY ADV
SRI.VISHNUPRASAD NAIR**

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF HOME, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM , PIN - 682031**
- 2 THE DIRECTOR GENERAL OF PRISONS &
CORRECTIONAL SERVICES,
PRISONS HEAD QUARTERS, POOJAPURA,
THIRUVANANTHAPURAM , PIN - 695012**
- 3 THE SUPERINTENDENT,
HIGH SECURITY PRISON, VIYYUR,
THRISSUR DISTRICT , PIN - 680010**



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**BY ADV.
SRI.N.R.SANGEETHARAJ, PP**

**THIS WRIT PETITION (CRIMINAL) HAVING COME
UP FOR ADMISSION ON 31.03.2026, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:**



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K.BABU, J.

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Dated this the 31st day of March, 2026

JUDGMENT

The petitioner is the father of Convict No.547/2025 lodged in High Security Prison, Viyyur, Thrissur. Petitioner's son has been convicted in S.C.No.604 of 2015 on the file of the Additional District and Sessions Court - III, Thrissur. He has been sentenced to undergo various terms of imprisonment including imprisonment for life. The convict applied for ordinary leave. The competent authority rejected the application on the ground that he was involved in five crimes.

2. The learned counsel for the petitioner submitted that all those crimes are of the period 2011 and 2015.

3. The learned Public Prosecutor produced a report stating that the convict is the accused in five



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crimes, four of which are of the year 2011 and one is of the year 2015.

4. The learned counsel for the petitioner submitted that the convict is leading a disciplined life in the prison.

5. Ordinary leave granted to a prisoner is a facet of the reformatory process. It is one of the ways by which a prisoner can reform himself and mingle with society, transforming himself into a responsible citizen.

6. In **Asfaq v. State of Rajasthan and Others** (2017 KHC 6641), the Apex Court observed thus:-

“14. From the aforesaid discussion, it follows that amongst the various grounds on which parole can be granted, the most important ground, which stands out, is that a prisoner should be allowed to maintain family and social ties. For this purpose, he has to come out for some time so that he is able to maintain his family and social contact. This reason finds justification in one of the objectives behind sentence and punishment, namely, reformation of the convict. The theory of criminology, which is largely accepted, underlines that the main objectives which a State intends to achieve by punishing the culprit are: deterrence, prevention, retribution and reformation. When we recognise reformation as one of the objectives, it provides justification for letting of even the life convicts for short periods, on parole, in order to afford opportunities to such convicts not only to solve their personal and family problems but also to maintain their links with the society. Another objective which this theory underlines is that even such convicts have right to



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breathe fresh air, at least for periods. These gestures on the part of the State, along with other measures, go a long way for redemption and rehabilitation of such prisoners. They are ultimately aimed for the good of the society and, therefore, are in public interest.

15. The provisions of parole and furlough, thus, provide for a humanistic approach towards those lodged in jails. Main purpose of such provisions is to afford to them an opportunity to solve their personal and family problems and to enable them to maintain their links with society. Even citizens of this country have a vested interest in preparing offenders for successful re-entry into society. Those who leave prison without strong networks of support, without employment prospects, without a fundamental knowledge of the communities to which they will return, and without resources, stand a significantly higher chance of failure. When offenders revert to criminal activity upon release, they frequently do so because they lack hope of merging into society as accepted citizens. Furloughs or parole can help prepare offenders for success."

7. The contention of the Police that the release of a prisoner would create a law and order issue in the locality to which he belongs, will be antithesis to the principles of reformation. Therefore, I am of the considered view that once it is found that the petitioners are eligible to ordinary leave as provided in Rule 397 of the Rules, an adverse Police report highlighting the apprehension that their release would create law and order issue in that locality is not a ground to refuse ordinary leave. Therefore, I am of the considered view



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that the petitioners are entitled to ordinary leave as provided in Rule 397 of the Rules.

This Court is of the view that the convict being accused in five crimes ten years back is not a ground to reject ordinary leave to the convict. Therefore, the Writ Petition is allowed. The competent authority is directed to consider the grant of ordinary parole, if the convict submits an application seeking such relief.

**Sd/ -
K. BABU
JUDGE**

VPK



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APPENDIX OF WP(CRL.) NO. 303 OF 2026

PETITIONER EXHIBITS

Exhibit P1

**A TRUE COPY OF THE CERTIFICATE OF
IMPRISONMENT DATED 3/12/2025 ISSUED
BY THE 3RD RESPONDENT**