

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V
&
THE HONOURABLE MR. JUSTICE K. V. JAYAKUMAR

Monday, the 6th day of July 2026 / 15th Ashadha, 1948
CRL.M.APPL.NO.1/2025 IN CRL.A NO.1807 OF 2025

SC 218/2024 OF ADDITIONAL SESSIONS COURT - I, MAVELIKARA

APPLICANT/APPELLANT:

NAVAS, AGED 52 YEARS,
S/O.SAITHU MUHAMMED, VATAKATUSSERY VEEDU,
PALACE WARD, ALAPPUZHA, PIN - 688001.

RESPONDENT/RESPONDENT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031.

Application praying that in the circumstances stated therein the High Court be pleased to suspend the sentence imposed by the Additional Sessions Judge-I, Mavelikkara in SC No.218/2024 against the appellant and release him on bail, pending disposal of the above appeal in the interest of justice.

This Application coming on for orders upon perusing the application and upon hearing the arguments of M/S.E.A.HARIS, M.A.AHAMMAD SAHEER, MUHAMMED YASIL, AAGI JOHNY, Advocates for the applicant and of the PUBLIC PROSECUTOR for the respondent, the court passed the following:

P.T.O.

MONDAY, THE 6TH DAY OF JULY 2026

Cr1.M.App1 1/2025 IN CRL.A No. 1807 of 2025

NAVAS

VS

STATE OF KERALA

ADVS FOR APPELLANT/S:

SHRI.E.A.HARIS, SHRI.M.A.AHAMMAD SAHEER, SRI.MUHAMMED
YASIL, SMT.AAGI JOHNY

ADVS FOR RESPONDENT/S:

PUBLIC PROSECUTOR, ADDL.DIRECTOR GENERAL OF
PROSECUTION

ORDER



**RAJA VIJAYARAGHAVAN V.,
&
K.V. JAYAKUMAR, JJ.**

Crl. A. No. 1807 of 2025

Dated this the 6th day of July, 2026

ORDER

K. V. Jayakumar, J.

Crl. M.A. No.1 of 2025

This is an application seeking suspension of sentence on medical grounds filed by Navas, the accused in S.C. No.218 of 2024 (10th accused in S.C. No.461/2022) on the files of the Additional Sessions Judge - I, Mavelikara. The learned Sessions Judge convicted and sentenced the applicant under Sections 143, 147, 148, 447 and 302 r/w 149 of the Indian Penal Code and Section 27 of the Arms Act. For the offence under Section 302 of the IPC, the appellant was sentenced to death.

2. The prosecution case, in brief, is that due to political rivalry between BJP and PFI/SDPI, a retaliatory conspiracy was hatched to murder Mr. Ranjith Sreenivasan, a BJP State Secretary, following the killing of SDPI State Secretary Mr. Shan on 18.12.2021. The prosecution alleges that the leaders and workers of PFI/SDPI collected details of Ranjith, held several meetings, and

conspired at various locations on 18.12.2021 & 19.12.2021, and on 19.12.2021 at about 6:30 a.m., accused Nos.1 to 12, armed with deadly weapons, trespassed into Ranjith's residence, assaulted and threatened his family, injured PW1 Vinodini, and the accused brutally hacked Ranjith to death in furtherance of the conspiracy and thereby the accused persons committed the above offences. The specific allegation against the applicant is that he along with accused Nos.9, 11, and 12, guarded in the courtyard of the house to prevent the escape of the victim. The learned Sessions Judge has awarded capital punishment to the applicant and to pay a fine of ₹1,10,500/-.

3. The learned counsel for the applicant has placed on record three additional documents along with Crl.M.A. No.1 of 2026. The learned counsel has submitted that the applicant is totally bedridden and he is now incarcerated in the Central Prison, Poojappura. It is submitted that the assistance of a full-time bystander is necessary for taking care of the applicant, and therefore, the learned counsel seeks interim bail for a period of one month for the applicant.

4. The learned Public Prosecutor has vehemently opposed the application and submitted that, considering the nature and gravity of the offence and the fact that capital punishment was awarded to the applicant by the Sessions Court, the applicant cannot be released on interim bail. It is submitted that the jail authorities are giving proper treatment and the other inmates are

rendering necessary assistance to the applicant.

5. We have considered the submissions advanced and perused the additional documents placed on record.

6. Annexure A1 is the copy of the report of the Medical Officer, Central Prison & Correctional Home, Poojappura, Thiruvananthapuram, dated 03.02.2026. The wife of the applicant, Smt.Naseema approached this Court and preferred W.P.(Crl.) No.184/2026 seeking a direction to shift the petitioner's husband to any hospital for treatment. Annexure A2 is the judgment in the above writ petition dated 05.02.2026. By that judgment, this Court has directed the Superintendent, Central Prison, Poojappura, to shift the applicant to the Government Medical College Hospital, Thiruvananthapuram, for better medical treatment. The relevant paragraphs of the said judgment are extracted below :

"5. The learned Public Prosecutor submitted a report from the Medical Officer attached to the Central Prison, Poojappura.

6. The relevant portion of the report reads as:-

"Currently Mr Navas is admitted in the hospital block of prison and he is alert, oriented to time, place and person and is attentive to all questions. His immediate and recent memory is reasonably good and his speech is understandable and answering pleasantly to all questions. He is completely bedridden due to his residual neurological deficits and also due to the contractures. His brain imaging also showed some degenerative changes which is almost constant in its course. The patient needs a full time caregiver to look after him and to full fill his activities of daily living. In the prison hospital block

this care is provided through the voluntary service of other inmates. As on today, he is having stable vital signs, reasonable cognitive capacity, taking regular oral feeds and performing his day to day activities with the help of inmates as volunteers.”

7. It appears that the wife of the applicant submitted an application on 14.04.2026 before the Superintendent of the Central Prison, Poojappura with a request to shift the applicant to a private hospital for ensuring better treatment for the applicant.

8. On 24.06.2026, this Court passed an interim order directing the learned Public Prosecutor to get instructions and to submit a report about the present medical condition of the applicant. Pursuant to the direction issued by us, the learned Public Prosecutor has placed on record a report of the Medical Officer, Central Prison and Correctional Home, Poojappura. In the said report, it is stated that the last review of the applicant was on 18.06.2026. He was advised to continue the ongoing medications. In the report it is stated that the appellant underwent treatment at the Medical College Hospital, Thiruvananthapuram from 09.12.2023 till 02.07.2024 with the diagnosis of Quadriplegia with cognitive impairment - Multifocal brain lesions - CNS demyelination with residual deficit and extensive dystrophic calcification, Right Inferior cerebral artery aneurysm, status post ICA aneurysm clipping on 15.12.2023. Following the complicated neurological disease course, the appellant

developed contractures for all joints of both upper and lower limbs. Even though his motor power has gradually improved in all four limbs, his mobility is limited due to the contractures. In the report it is stated that the appellant is completely bedridden and even to carry out his daily routine activities, the voluntary service of other inmates are needed. As of today, he is having stable vital signs, reasonable cognitive capacity and performing his day-to-day activities with the help of inmates as volunteers.

9. In **Sunil Batra v. Delhi Admn**¹, the Apex Court held that a life convict undergoing sentence in a prison is also entitled to human treatment in jail. Relevant paragraphs of **Sunil Batra (supra)** read thus :

52. True, our Constitution has no 'due process' clause or the VIII Amendment; but, in this branch of law, after *Cooper* [*R.C. Cooper v. Union of India*, (1970) 1 SCC 248 : (1970) 3 SCR 531] and *Manika Gandhi* [*Maneka Gandhi v. Union of India*, (1978) 1 SCC 248] the consequence is the same. For what is punitively outrageous, scandalizingly unusual or cruel and rehabilitatively counter-productive, is unarguably unreasonable and arbitrary and is shot down by Articles 14 and 19 and if inflicted with procedural unfairness, falls foul of Article 21. Part III of the Constitution does not part company with the prisoner at the gates, and judicial oversight protects the prisoner's shrunken fundamental rights, if flouted, frowned upon or frozen by the prison authority. *Is a person under death sentence or undertrial unilaterally dubbed dangerous liable to suffer extra torment too deep for tears?* Emphatically no, lest social justice, dignity of the individual, equality before the law, procedure established by law and the seven lamps of freedom (Article 19) become chimerical constitutional claptrap. Judges, even within a prison setting, are the real, though

¹ (1978) 4 SCC 49 paragraphs 4

restricted, ombudsmen empowered to proscribe and prescribe, humanize and civilize the life-style within the *concerns*. The operation of Articles 14, 19 and 21 may be pared down for a prisoner but not puffed out altogether. For example, public addresses by prisoners may be put down but talking to fellow prisoners cannot. Vows of silence or taboos on writing poetry or drawing cartoons are violative of Article 19. So also, locomotion may be limited by the needs of imprisonment but binding hand and foot, with hoops of steel, every man or woman sentenced for a term is doing violence to Part III. So Batra pleads that until decapitation he is human and so should not be scotched in mind by draconian cellular insulation nor stripped of the basic fellowship which keeps the spirit flickering before being extinguished by the swinging rope.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

120. Condemned prisoners like Batra shall be merely kept in custody and shall not be put to work like those sentenced to rigorous imprisonment. These prisoners shall not be kept apart or segregated except on their own volition since they do not come under Section 30(2). They shall be entitled to the amenities of ordinary inmates in the prison like games, books, newspapers, reasonably good food, the right to expression, artistic or other, and normal clothing and bed. In a sense, they stand better than ordinary prisoners because they are not serving any term of rigorous imprisonment, as such. However, if their gregarious wishes induce them to live in fellowship and work like other prisoners they should be allowed to do so. To eat together, to sleep together, to work together, to live together, generally speaking, cannot be denied to them except on specific grounds warranting such a course, such as homosexual tendencies, diseases, violent proclivities and the like. But if these grounds are to be the basis for revocation of advantages to the prejudice of the sentence he should be given a hearing in brief in essential compliance with the canons of natural justice.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

157. The humane thread of jail jurisprudence that runs right through is that no prison authority enjoys amnesty for unconstitutionality, and forced farewell to fundamental rights is an institutional outrage in our system where stone walls and iron bars shall bow before the rule of law. Since life and liberty are at stake the gerontocracy of the Jail Manual shall have to come to working terms with the paramountcy of fundamental rights. "

10. In **Shabnam v. Union of India**², the Apex Court observed that Prisoners on death row must be treated humanely and with respect for their physical and mental well-being, subject to reasonable legal restrictions.

Relevant Paragraphs of **Shabnam (supra)** read as follows:

“13. Once we recognise this aspect of dignity of human being, it does not end with the confirmation of death sentence, but goes beyond and remains valid till such a convict meets his/her destiny. Therefore, the process/procedure from confirmation of death sentence by the highest court till the execution of the said sentence, the convict is to be treated with human dignity to the extent which is reasonable and permissible in law.

14. This right to human dignity has many elements. First and foremost, human dignity is the dignity of each human being “as a human being”. Another element, which needs to be highlighted, in the context of the present case, is that human dignity is infringed if a person's life, physical or mental welfare is harmed. It is in this sense torture, humiliation, forced labour, etc. all infringe on human dignity. It is in this context many rights of the accused derive from his dignity as a human being. These may include the presumption that every person is innocent until proven guilty, the right of the accused to a fair trial as well as speedy trial, right of legal aid, are all part of human dignity. Even after conviction, when a person is spending prison life, allowing humane conditions in jail is part of human dignity. Prison reforms or jail reforms are measures to make convicts reformed persons so that they are able to lead normal life and assimilate in the society after serving the jail term, are motivated by human dignity jurisprudence.

XXXXXXXXXXXXXXXXXX

20. Thus, we hold that condemned prisoners also have a right to dignity and execution of death sentence cannot be carried out in an arbitrary, hurried and secret manner without allowing the convicts to exhaust all legal remedies.”

² (2015) 6 SCC 702

11. In **Inhuman Conditions in 1382 Prisons, In re**³, the Apex Court observed that even a prisoner sentenced to death retains the right to human dignity under the Constitution. Paragraph 10 of **Inhuman Conditions in 1382 Prisons, In re (supra)** reads thus :

"10. With regard to the entitlement of a prisoner on death row to have meetings and interviews with his lawyers or members of his immediate family or even mental health professionals, we are of opinion that such meetings and interviews should be permitted. We follow the view expressed by this Court in Francis Coralie Mullin v. State (UT of Delhi) [Francis Coralie Mullin v. State (UT of Delhi), (1981) 1 SCC 608 : 1981 SCC (Cri) 212] . In para 8 of the Report, it was specifically noted by this Court, after referring to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that as a part of the right to live with human dignity, a prisoner is entitled to have interviews with members of his family and friends and no prison regulation and procedure to the contrary can be upheld as being constitutionally valid under Articles 14 and 21 of the Constitution unless it is reasonable, fair and just. Similarly, there cannot be any doubt that a prisoner must be entitled to have discussions with his lawyers so that he has effective legal representation and access to justice as well as remedies for justice. In our opinion, the law laid down by this Court in Francis Coralie Mullin [Francis Coralie Mullin v. State (UT of Delhi), (1981) 1 SCC 608 : 1981 SCC (Cri) 212] would be equally applicable to death row prisoners for meeting mental health professionals for a reasonable period of time with reasonable frequency so that their rights can be adequately protected at all stages."

12. From the records, we find that the applicant has been undergoing sentence for the past one year. Throughout this period, he has been undergoing treatment and unable to pursue his daily routine. From the report of the Medical Officer, it is evident that the appellant is completely bedridden

³ (2019) 2 SCC 435

and is relying on the voluntary service of other inmates for his daily routine activities.

13. Having considered the submissions advanced, we deem it appropriate to grant interim bail to the applicant for a period of 30 days, subject to the following conditions :-

- a) He shall execute a bond for a sum of Rs. 1,00,000/- (Rupees One Lakh only) with two solvent sureties each for the like amount to the satisfaction of the learned Sessions Judge.
- b) He shall not commit any crime while on bail.
- c) Upon the expiry of the thirty-day period, the applicant shall surrender before the Superintendent, Central Prison, Poojappura, on 05.08.2026, without fail.

Sd/-
RAJA VIJAYARAGHAVAN V.,
JUDGE

Sd/-
K.V. JAYAKUMAR,
JUDGE

APPENDIX OF CRL.A 1807/2025

Annexure A1

**A TRUE COPY OF THE REPORT OF THE MEDICAL OFFICER,
CENTRAL PRISON AND CORRECTIONAL HOME,
THIRUVANANTHAPURAM DATED 03.02.2026**

Annexure A2

**A TRUE COPY OF THE ORDER DATED 05.02.2026 IN WP(CRL).
NO. 184/2026 OF THIS HON'BLE COURT**

