

TUESDAY, THE 4TH DAY OF AUGUST 2026

WP(CRL.) No. 952 of 2026

SUO MOTU

VS

STATE OF KERALA & OTHERS

ADVS FOR PETITIONER/S:

SUO MOTU (IN PERSON)

ADVS FOR RESPONDENT/S:

PUBLIC PROSECUTOR, SMT.VIDYA KURIAKOSE, SHRI.JAISHANKAR
V.NAIR, SENIOR PANEL COUNSEL, DIRECTOR GENERAL OF
PROSECUTION

W. P. (Crl.) No. 952 of 2026
& connected cases

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TUESDAY, THE 4TH DAY OF AUGUST 2026

WP (CRL.) No. 923 of 2026

FIDHA NISHAD

VS

STATE OF KERALA & OTHERS

ADVS FOR PETITIONER/S:

SHRI.SUBASH CHANDRAN, SMT. AHALYA PRAKASH K.V., SHRI.HAMDAN
MANSOOR K.

ADVS FOR RESPONDENT/S:

PUBLIC PROSECUTOR, DIRECTOR GENERAL OF PROSECUTION

W. P. (Crl.) No. 952 of 2026
& connected cases

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TUESDAY, THE 4TH DAY OF AUGUST 2026

WP (CRL.) No. 924 of 2026

SASIDHARAN

VS

STATE OF KERALA & OTHERS

ADVS FOR PETITIONER/S:

SMT.V.VIJITHA

ADVS FOR RESPONDENT/S:

W. P. (Crl.) No. 952 of 2026
& connected cases

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TUESDAY, THE 4TH DAY OF AUGUST 2026

WP (CRL.) No. 955 of 2026

CHANDRIKA

VS

STATE OF KERALA & OTHERS

ADVS FOR PETITIONER/S:

SMT.V.VIJITHA

ADVS FOR RESPONDENT/S:

PUBLIC PROSECUTOR, DIRECTOR GENERAL OF PROSECUTION

SOUMEN SEN, C. J. & SYAM KUMAR V. M., J.

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W. P. (Crl.) Nos. 952, 923, 924 & 955 of 2026

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Dated this the 4th day of August, 2026

Appearance:

For the petitioners : Mr. Hamdan Mansoor K.

Ms. V. Vijitha

For the respondents : Mr. T. Asaf Ali, DGP, assisted by

Ms. Laliza T. Y. Sr. PP

Mr. P. Sreekumar, ASGI, assisted by

Mr. Jaishankar V. Nair, Senior Panel
Counsel

Ms. Vidya Kuriakose - KeLSA

ORDER

Soumen Sen, C.J.

The KeLSA has filed a detailed affidavit in compliance with the order dated 29th June 2026. In the meantime, the State Level Advisory Committee has been reconstituted. In view of such reconstitution, we expect the said Committee to consider the representations against the rejection of applications for premature release by the Jail Advisory Board within a time frame and as expeditiously as possible.

2. The report filed by the KeLSA has highlighted that in several cases, the orders passed by the State Level Advisory Committee rejecting applications for premature release, together with the reasons for such rejection, are not being communicated to the prisoners as well as to the concerned District Legal Services Authority by the prison authorities. The direction of the Home Department mandating that the Jail Superintendent shall communicate the order granting or rejecting an application for premature release together with reasons to the prisoners and the concerned DLSA in SRO No. 426/2026 published in the Gazette dated 28th March 2026 has not been uniformly followed. It further appears that 204 applications recommended for premature release are presently pending before the State Government for final consideration and disposal, and a request has been made to the Additional Chief Secretary, Home Department, to take immediate steps for expediting disposal of the applications for premature release pending before the Government.

3. The learned Director General of Prosecution submitted that the State shall file a detailed affidavit after taking into consideration the status report filed by KeLSA in

terms of the order dated 29th June 2026 and also shall file a separate statement with regard to the present status of the transit homes/holding centres as directed earlier in our order dated 18th June 2026 in W.P.(Crl.) No. 889 of 2026.

4. The said status report shall be filed within two weeks from today. A further status report shall be filed by the KeLSA on the adjourned date upon prior service to Ms. Laliza T. Y., learned Senior Public Prosecutor.

5. It has come to the notice of this Bench that the Hon'ble Supreme Court in W.P. (Crl.) No. 162 of 2025 (*National Legal Services Authority v. Union of India and Others*) delivered a judgment on 16th July 2026 directing all States and Union Territories, within a period of three months from the date of the judgment, to formulate and notify a comprehensive policy for early or premature release of prisoners who are of advanced age and/or terminally ill. Such policy shall be framed in consultation with the respective State Legal Services Authorities so as to ensure institutional coordination and effective identification of eligible prisoners. The matter is now to be listed on 19th January 2027 for

consideration of the compliance affidavits to be filed by the States and Union Territories.

6. The learned Director General of Prosecution has submitted that the State of Kerala is already having a provision for early or premature release of prisoners who are of advanced age and/or are terminally ill. The KeLSA shall provide details of all such prisoners who are of advanced age and/or are terminally ill to the appropriate authorities, who may consider the prayer for premature release in terms of Rule 464(ix) of the Kerala Prisons and Correctional Services (Management) Rules, 2014, which reads as follows:

“Rule 464. Functions of the Committee.- (1) The Committee shall consider the cases of prisoners and make appropriate recommendation to the Government relating to the premature release of prisoners, subject to the conditions specified below, namely:-

.....

(ix) In the circumstances where a designated Medical Board certifies that prisoner’s condition may likely to become fatal due to non curable diseases, appropriate recommendation may be given.”

7. In the report to be filed by the KeLSA, it shall also indicate whether the applications that are pending before the State Level Advisory Committee include any prisoner of advanced age and/or terminally ill. The report to be filed by the State as well as the KeLSA must also deal with the writ petitions filed by individual accused persons for premature release and in the event they are found to be eligible, appropriate orders may be passed by the authorities concerned.

8. Post on 18th August 2026.

**Sd/-
SOUMEN SEN,
CHIEF JUSTICE**

**Sd/-
SYAM KUMAR V. M.,
JUDGE**

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