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Con.Case (C)No.1982/2026

-:1:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

MONDAY, THE 7TH DAY OF SEPTEMBER 2026 / 16TH BHADRA, 1948

CON.CASE(C) NO. 1982 OF 2026

AGAINST THE JUDGMENT DATED 13.03.2026 IN WP(CRL.) NO.459
OF 2026 OF HIGH COURT OF KERALA

PETITIONERS/PETITIONERS 1 & 3 IN WRIT PETITION(CRL) :

1 GEETHA M.K
AGED 52 YEARS
W/O. GANGADHARAN NAIR,
ADUKKADUKKAM HOUSE,
KANHIRADUKKAM P.O,
ANANDASHRAMAM (VIA) KASARAGOD,
PIN - 671531

2 THAMBAYI A
AGED 69 YEARS
W/O. GANGADHARAN,
PULIKKAL HOUSE, VELUTHOLI,
PAKKOM P.O, BAKEL FORT (VIA)
KASARAGOD, PIN - 671313

BY ADVS.SHRI.K.S.MADHUSOODANAN
SRI.M.M.VINOD KUMAR
SRI.P.K.RAKESH KUMAR
SRI.K.S.MIZVER

RESPONDENTS/ RESPONDENTS 2 & 3 IN WRIT PETITION(CRL) :

1 S.SREEJITH IPS
AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER,
DIRECTOR GENERAL OF PRISONS AND CORRECTIONAL SERVICES,
KERALA PRISONS AND CORRECTIONAL SERVICES DEPARTMENT,
GOVERNMENT OF KERALA,



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POOJAPPURA, THIRUVANANTHAPURAM,
PIN - 695012

2 K. VENU
AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONERS,
SUPERINTENDENT,
CENTRAL PRISON AND CORRECTIONAL HOME,
PALLIKKUNNU, KANNUR,
PIN - 670004

SRI. SAMEER.S, GOVERNMENT PLEADER

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 31.08.2026, THE COURT ON 07.09.2026 DELIVERED THE
FOLLOWING:



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J U D G M E N T

The mothers of two convicts of the Central Prison and Correctional Home, Kannur, have filed this Contempt Case against the Director General of Prisons and Correctional Services and the Superintendent of the above prison. The allegation is that the respondents willfully violated the judgment dated 13.03.2026 of this Court in W.P.(CrI.)No.459/2026 by refusing to grant ordinary leave to the above convicts.

2. W.P.(CrI.)No.459/2026 was filed for lifting two conditions imposed by the respondents when ordinary leave was granted to the prisoners by names Gijin, Peethambaran & Subeesh, who were convicted in a double murder case known as 'Peria Double Murder Case'. The aforesaid conditions were about the restriction of entry of the above prisoners within the limits of Bekal Police Station, and the bar against the release on leave of more than one of the above convicts at a time. As per the judgment rendered by this Court on 13.03.2026 in the above writ petition, both the above conditions were quashed and the authorities concerned were directed to release the convicts, if they comply with the other conditions in the order. According to the petitioners, the respondents denied the subsequent ordinary leaves to their sons, and



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thus, willfully violated the directions of this Court in the judgment dated 13.03.2026 in W.P.(Crl.)No.459/2026.

3. Both the respondents filed affidavits in answer to the allegations levelled against them. According to the respondents, serious issues of law and order violation took place in the locality falling within the jurisdiction of Bekal Police Station when the co-convicts of Peria Double Murder Case were released on ordinary leave, which prompted them to keep in abeyance the release of the sons of the petitioners on ordinary leave. It is stated that the District Police Chief concerned had reported about serious political tension and mobilisation of rival groups which posed threat to the safety and security of the above prisoners and the maintenance of public peace and tranquility. It is further stated by the respondents that the aforesaid decision to defer the release of the sons of the petitioners on ordinary leave was not intended to impose, revive or continue any of the conditions which had already been set aside by this Court, and that the said action was necessitated solely on account of the subsequent developments of threat to the safety of the prisoners and the law and order situation. The respondents also asserted in their affidavits that the aforesaid decision was a temporary



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administrative measure necessitated by subsequent and supervening circumstances concerning the safety and security of the prisoners and the maintenance of public peace and tranquility. Thus, it is contended that there was no willful or deliberate disobedience to the judgments or directions of this Court.

4. Heard the learned counsel for the petitioners and the learned Government Pleader representing the State of Kerala.

5. As already stated above this Court had set aside the two conditions imposed by the respondents while granting ordinary leave to the convicts by name Gijin and Subeesh, which had restricted the entry of the above prisoners to the limits of Bekal Police Station and restrained the release of more than one convict at a time. The petitioners are having no case that the respondents reimposed the above conditions while granting ordinary leave to their sons after the aforesaid judgment. On the other hand, the allegation of the petitioners is that the respondents have intentionally denied the subsequent eligible ordinary leave to the sons of the petitioners as an act of vindictiveness. The allegations in the above regard are strongly denied by the respondents by stating that they did not attempt to impose, revive or continue any of



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the conditions which had already been set aside by this Court. According to the respondents, the ordinary leave of the sons of the petitioners were kept in abeyance due to the fragile and tense law and order situation which arose within the limits of Bekal Police Station following the release of some of the co-convicts of Periya Double Murder Case. The respondents would further contend that the District Police Chief concerned had reported about the delicate situation which prevailed in that locality, and that the release of the convicts by name Gijin and Subeesh on ordinary leave was deferred as a temporary measure. Annexure-R1(a) report of the District Police Chief, Kasaragod, is relied on by the respondents in support of their decision to keep in abeyance the release of the above convicts on ordinary leave. It is not possible to say that the aforesaid decision of the respondents would amount to willful violation of the directions of this Court in the judgment dated 13.03.2026 in W.P.(Crl.)No.459/2026. The decision taken by the respondents to defer the release of the sons of the petitioners on ordinary leave due to the law and order concerns which affected the safety and security of the above prisoners, and also the public tranquility and maintenance of law and order situation cannot be termed as a willful violation of the



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aforesaid judgment rendered by this Court. Therefore, the question of initiating Contempt of Court proceedings does not arise in the given factual scenario.

6. The learned counsel for the petitioners contended that the respondents cannot deny ordinary leave to the sons of the petitioners stating the excuse of law and order concerns, and that the Police and the law enforcing machinery of the State are bound to take adequate and appropriate measures to preserve public tranquility and to protect the prisoners released on ordinary leave from any attacks from their rivals. It is thus argued that the denial of ordinary leave to the above prisoners is against the relevant laws. The argument of the learned counsel for the petitioners in the above regard is having no relevancy in the present Contempt of Court proceedings. The only point to be looked into in this proceedings is whether the act of the respondents amounted to willful violation of the directions of this Court in the judgment dated 13.03.2026 in W.P.(Crl.)No.459/2026. If the case of the petitioners is that the denial of ordinary leave to their sons was against the relevant provisions of law, the petitioners will have to seek appropriate legal remedies instead of resorting to Contempt of Court proceedings against the respondents. At



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any rate, it is not possible to say that the act of the respondents temporarily keeping in abeyance the release of the above convicts on ordinary leave amounted to willful violation of the directions of this Court. Needless to say, the request of the petitioners in this regard, cannot be allowed.

In the result, the Contempt of Court Case is hereby dismissed.

(sd/-)

G. GIRISH, JUDGE

DST



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APPENDIX**PETITIONER ANNEXURES**

ANNEXURE 1	TRUE COPY OF THE JUDGMENT IN W.P (CRL) NO. 1136/2025 DATED 08-09-2025
ANNEXURE II	TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 04-10-2025 BEARING NO. KPCS /7146/2025 - WP2
ANNEXURE III	TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 16-07-2025 BEARING NO. KPCS / 4828 / 2025 -WP2
ANNEXURE IV	CERTIFIED COPY OF THE JUDGMENT IN W.P. (CRL) NO. 459/2026 DATED 13-03-2026
ANNEXURE V	TRUE COPY OF THE APPLICATION DATED 04-06-2026 GIVEN TO 1ST RESPONDENT THROUGH THE 2ND RESPONDENT
ANNEXURE VI	TRUE COPY OF THE APPLICATION OF GIJIN DATED 04-06-2026 GIVEN TO 2ND RESPONDENT
ANNEXURE VII	TRUE COPY OF THE APPLICATION DATED 04-06-2026 SUBMITTED BY SUBEESH C-22/25) THROUGH 2ND RESPONDENT TO THE 1ST RESPONDENT
ANNEXURE VIII	TRUE COPY OF THE APPLICATION DATED 04-06-2026 TO THE 2ND RESPONDENT BY SUBEESH

RESPONDENT ANNEXURES

ANNEXURE R1 (A)	TRUE COPY OF THE POLICE REPORT DATED 17.07.2026
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