

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
Tuesday, the 6th day of February 2024 / 17th Magha, 1945
WP(CRL.) NO. 135 OF 2024(S)

PETITIONER:

POURNAMI GOPINATH, AGED 39 YEARS,

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY THE HOME SECRETARY, GOVERNMENT SECRETARIAT, TRIVANDRUM, REPRESENTED BY GOVERNMENT PLEADER, HIGH COURT OF KERALA, PIN - 695001**
- 2. THE SUPERINTENDENT, CENTRAL JAIL, POOJAPURA, TRIVANDRUM , PIN - 695033**
- 3. CIRCLE INSPECTOR OF POLICE, KANJIRAPPALLY POLICE STATION, KANJIRAPPALLY, KOTTAYAM, PIN - 686507**

Writ petition (criminal) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(Crl.) the High Court be pleased to issue direction to respondent no. 2 to grant a emergency parole for a period of twenty days to the petitioner's husband, allowing him to participate in and perform the necessary rituals associated with the demise of his father, pending disposal of this writ petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(Crl.) and upon hearing the arguments of M/s.NAVANEETH.N.NATH, GAUTHAM KRISHNA E.J. and ABHIRAMI S., Advocates for the petitioner and of SRI.K.A.NOUSHAD,PUBLIC PROSECUTOR,for the respondents, the court passed the following:

P.T.0

BECHU KURIAN THOMAS, J.

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W.P.(CrI.)No.135 of 2024

Dated this the 6th day of February, 2024

ORDER

Petitioner is the wife of Sri.Sreekumar, who is a convict at the Central Jail, Poojappura. Petitioner seeks for a direction for grant of an emergency parole for a period of 20 days to her husband, for allowing him to participate in the rituals associated with the demise of his father.

2. Petitioner's husband was convicted for an offence under Section 307 of the Indian Penal Code, 1860, in S.C.No.232/2003 on the file of the Additional Sessions Court (Adhoc-I), Kottayam, which was reduced to two years by this Court in CrI.Appeal No.629/2004. The judgment has become final.

3. While so, petitioner's father in law died on 01.02.2024 and the funeral was held on 04.02.2024. Though, petitioner was granted the benefit of an escort visit on 04.02.2024, since the rituals associated with the death of the convict's father is taking place on the 7th day and even thereafter, petitioner seeks for the grant of emergency parole.

4. Despite requesting the prison authorities for grant of the emergency parole, the same has not been acceded to and hence this writ petition.

5. Petitioner's husband has already undergone a period of 7 months of incarceration. He is sentenced only to two years of imprisonment. It is in the meantime, that the petitioner's father-in-law died.

6. I have heard Sri.Navaneeth.N.Nath, learned Counsel for the petitioner as well as Sri.K.A.Noushad, learned Public Prosecutor.

7. Though the learned Prosecutor submitted that a days escort visit alone should be given, especially since the victim of the crime is a neighbour, this Court is of the view that a period of seven days ought to be granted to the convict as emergency leave for attending the funeral rites of his father. Denial of such a benefit despite the existence of Rule 400 of the Kerala Prisons and Correctional Services (Management) Rules, 2014, would work out injustice.

8. Therefore, there will be a direction to the 2nd respondent to accord emergency leave to the petitioner for a period of seven days inclusive of travel time, from 07.02.2024 onwards on imposing general conditions.

The learned Public Prosecutor shall intimate the 2nd respondent forthwith about the gist of this order for immediate compliance.

Sd/-
BECHU KURIAN THOMAS
JUDGE

jm/