

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 5983 of 2015 (W)

PETITIONER :

**JAMEELA, AGED 48 YEARS,
D/O. PARAMBADAN MUHAMMED, THACHAMPARAMBU,
URANGATTIRI, ERNAD, MALAPPURAM DISTRICT**

**BY ADVS.SRI.K.M.JAMALUDHEEN
SMT.LATHA PRABHAKARAN**

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM 695001**
- 2. THE HOME SECRETARY,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM 695001**
- 3. THE DIRECTOR GENERAL OF POLICE (PRISONS),
POLICE HEADQUARTERS, THIRUVANANTHAPURAM - 695001**
- 4. THE JAIL ADVISORY BOARD,
CENTRAL PRISON, KANNUR 670 001**
- 5. THE SUPERINTENDANT OF PRISON,
CENTRAL PRISON, KANNUR 670 001**

R1 TO R5 BY GOVERNMENT PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF CERTIFICATE ISSUED BY THE ASSISTANT SESSIONS COURT,MANJERI DATED 29.6.2013.

EXHIBIT P2: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WP NO.25116/2013 DATED 25.10.2013.

EXHIBIT P3: TRUE COPY OF THE REPRESENTATION DATED 10.1.2014 GIVEN TO HON'BLE CHIEF MINISTER.

EXHIBIT P4: TRUE COPY OF THE REPRESENTATION DATED 10.1.20145 GIVEN TO HON'BLE HOME MINISTER.

EXHIBIT P5: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WP NO. 27327/2014 DATED 20.10.2014.

EXHIBIT P6: TRUE COPY OF THE AFFIDAVIT AND PETITION IN IA NO.17594/2014 FILED BY THE RESPONDENTS.

EXHIBIT P7: TRUE COPY OF THE AFFIDAVIT AND PETITION IN IA NO. 17594/2014 FILED BY THE RESPONDENTS

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 5983 of 2015

Dated this the 23th day of March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- "i. Issue a writ of mandamus or any other writ, order or direction directing the respondents to refer the convict No.1764; the father of the petitioner to Medical College Hospital, Kannur or Kozhikode for getting better medical treatment to him.*
- ii. Issue a writ of mandamus or any other writ, order or direction directing the respondents to immediately consider the case of the father of the petitioner as a special case for granting parole to him till the final disposal of the request of the petitioner now pending consideration before the respondents.*
- iii. Issue such other writ, order or directions that may deem fit and proper in the circumstances of the case."*

2. A statement has been filed on behalf of the 3rd respondent; paragraph 2 and 3 of which read as follows:

2. Petitioner's father completed the actual sentence of one year and 29 days as on 17.07.2014. He has earned ordinary remission of 24 days as on 30.06.2014. Thus, he has completed 1 year, 1 month and 23 days as on 17.07.2014. Though he has not completed the required period of sentence to be placed before the Jail Advisory Board for premature release, in terms of Rule 464 (viii) of the Kerala Prisons and Correctional Services (Management) Rules, 2014, his case was placed before the Advisory Board held on 17.07.2014 as directed by the

*Government. The Board recommended his premature release. However, Government as per G.O.(Rt) No.449/2015/Home dated 21.02.2015 rejected the recommendation for premature release. True copy of G.O.(Rt) No.449/2015/Home dated 21.02.2015, is produced herewith and marked as **Annexure R3(a).***

*3. Sri.Parambadan Muhammed was presented before the Medical Board at Medical College Hospital, Kozhikode in January, 2014. He was advised Cardiology and Gastroenterology evaluation and accordingly he was seen in those departments. ECG and Echocardiography was done in the Cardiology Department and Oesophagoduodenoscopy was done in the Gastroenterology Department. He was found to have Old Duodenal Ulcer and Antral Gastritis. Medicines were prescribed for the same. He was also referred to District Hospital, Kannur for treatment for urinary infection and Neck Pain and for Diabetics. He was given medicines and at present he is admitted in Jail Hospital. At present Parambadan Muhammed is suffering from Hypertension, Diabetics Mellitus, Acid Peptic Disease and Neck Pain. The Medical Officer, Central Prison, Kannur, reports that at present there is no medical condition which requires urgent intervention from the Medical College. True copy of the report dated 27.02.2015 submitted by the Medical Officer, Central Prison, Kannur, is produced herewith and marked as **Annexure R3(b)***

3. After hearing both the sides, this Court finds that, no

interference is required to be made with regard to the facts and circumstances explained on the part of the respondents.

Accordingly, interference is declined and the writ petition is dismissed. However, it is made clear that, dismissal of the case will not stand in the way of the competent authority to consider the application, if any, for 'parole' and if the petitioner is otherwise eligible to have the benefit of 'parole' in accordance with the Prison Rules.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE

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