

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

WP(C).No. 34699 of 2015 (J)

PETITIONER :

**SUHASINI
AGED 48, W/O.VENUGOPAL,
KOLLAMPARAMBIL HOUSE,
KUMILY P.O.- 685509.**

BY ADV. SRI.LAVARAJ M.G.

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY.
SECRETARIATE, THIRUVANANTHAPURAM-695 001.**
- 2. DIRECTOR GENERAL OF PRISONS & CORRECTIONAL SERVICES
PRISON HEADQUARTERS, POOJAPPURA
THIRUVANANTHAPURAM-695012.**
- 3. SUPERINTENDENT
CENTRAL PRISON, VIYYUR, THRISSUR-680010.**

R1 TO R3 BY GOVT. PLEADER SMT. C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 34699 of 2015 (J)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT-P1: TRUE COPY OF THE ORDER IN CRL.APPEAL 311/1997 OF THIS
HON'BLE COURT DT. 20.7.1998.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

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W.P(C)Nos.34699 of 2015

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Dated this the 14th day of December, 2015

JUDGMENT

Petitioner's husband is a life convict who is undergoing imprisonment in Central Prison, Viyyur, Thrissur. Petitioner approaches this Court seeking a direction to grant parole to her husband.

2. In the counter it is stated in paragraph 3 as follows:

"It is respectfully submitted that while he was undergoing imprisonment in Central Prison, Thiruvananthapuram on 05.09.1997, he was granted parole on emergency ground (emergency parole) by the Superintendent of the above prison on the death of his mother. The total period of parole granted was 7 days and he ought to have returned to the prison on or before 15.09.1997 including the time required for travelling. However instead of returning to the jail, he absconded for a period of 13 years, 5 months and 4 days. Since he had absconded on parole, he did not return to the prison for a period of 13 years 5 months and 4 days. Despite making several enquiries he could not be traced out. Finally he was arrested by the Kumali Police and admitted to the Central Prison, Poojappura on 09.02.2011. Thereafter he was transferred to the Central Prison, Viyyur on 01.10.2011."

3. It is further submitted in paragraph 5 as follows:

“In the instant case the above period of 13 years 5 months and 4 days i.e the period during which he was absconding has not been regularised by the government nor had he approached the Government for getting the period regularised. Till such regularisation is made by the Government, this respondent cannot entertain any application for parole of the petitioner. In the circumstances the prayer of the petitioner is liable to be rejected.”

4. This Court is of the view that the petitioner is free to approach the Government for regularisation. If the Government allow regularisation, petitioner's application for parole shall be considered by the the 3rd respondent in accordance with law. If petitioner makes a request before the Government for regularisation, same shall be considered within two months from the date of receipt of such representation.

The writ petition is disposed of as above.

Sd/-
A.MUHAMED MUSTAQUE,
JUDGE