IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

WP(CRL.) NO. 428 OF 2025

CRIME NO.87/2018 OF AGALI POLICE STATION, PALAKKAD

AGAINST THE JUDGMENT DATED 04.04.2023 IN SC NO.265 OF 2018 OF SPECIAL COURT-TRIAL OF OFFENCE UNDER SC/ST(POA)ACT1989, MANNARKKAD

PETITIONER:

SINDHU JAIJU
AGED 45 YEARS
W/O JAIJU MON , MANNAMPATTA (H),
MUKKALI P.O KALLAMALA,
PALAKKAD (DIST.), PIN - 678582

BY ADVS.
ANIL K.MUHAMED
SANIN V.U.
KRISHNAKUMAR G.
AJIN SALAM
MUHAMMED AFRIN NUHMAN T.T.

RESPONDENTS:

1 **STATE OF KERALA**
REPRESENTED BY SECRETARY HOME DEPARTMENT,
GOVERNMENT SECRETARIAT,

THIRUVANANTHAPURAM (DIST.),
PIN - 682031

2 THE DIRECTOR GENERAL OF PRISONS &
CORRECTIONAL SERVICES
JAIL HEADQUATERS, POOJAPURA,
THIRUVANANTHAPURAM, PIN - 695012

3 SUPERINTENDENT
CENTRAL PRISON AND CORRECTIONAL HOME,
TAVANOOR, PIN - 680010

OTHER PRESENT:

SRI.PRASANTH M.P., PP

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner who is the wife of the convict undergoing imprisonment for 7 years at Central Prison and Correctional Home, Thavanoor, seeks emergency leave for her husband.

2. I have heard Sri.Anil K.Muhamed, the learned counsel for the petitioner and Sri.Prasanth M.P., the learned Public Prosecutor.

3. According to the petitioner, the son of the convict is suffering from severe congenital cardiac anomalies including Tetrad of Fallot and he has to undergo surgery at SCT, Thiruvananthapuram. Hence, she moved an application for emergency leave for the convict. It was rejected as per Ext.P2 order. Challenging the said order, this writ petition has been filed.

4. Ext.P1 is the certificate issued by the Government Surgeon. It would show that the son of the convict is suffering from severe congenital cardiac anomalies including Tetrad of Fallot and he was once treated surgically at SCT,

Thiruvananthapuram. The doctor also stated that presently the convict's son requires another surgical procedure at the earliest. The application was rejected as per Ext.P2 order citing the law and order problems. Considering the fact that the petitioner seeks emergency leave for her husband to remain at the hospital during their son's surgery, the question of law and order problem does not arise. The learned counsel for the petitioner submitted that the son of the convict is to be admitted on 15.04.2025 and the surgery will take place two days thereafter.

5. Considering all these aspects, the 3rd respondent is directed to grant emergency leave to the convict for a week, starting from 14.04.2025 till 21.04.2025. The convict shall produce the documents showing the hospitalization and surgery conducted on his son when he returns to the jail.

The writ petition is disposed of accordingly.

Sd/-

DR.KAUSER EDAPPAGATH, JUDGE

AS

APPENDIX OF WP(CRL.) 428/2025

PETITIONER EXHIBITS

EXHIBIT1	**TRUE COPY OF MEDICAL CERTIFICATE DATED 20/ 03/ 2025 OF PETITIONER'S SON ISSUED BY SUPERINTENDENT GOVERNMENT TRIBAL SPECIALITY HOSPITAL, KOTTATHARA, ATTAPADY**
EXHIBIT2	**TRUE COPY OF LETTER DATED 29/ 03 /2025 BY RESPONDENT NO. 3 TO PETITIONER**