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. 453 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:

SHOUBANATH P
AGED 30 YEARS
W/O UBAID, THOTTIYIL (H), THENKARA, 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 - 695001

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

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

BY ADV.
SMT.SREEJA V., SENIOR PUBLIC PROSECUTOR

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 is the wife of a convict who is undergoing imprisonment at Central Prison and Correctional Home, Thavanoor. The petitioner preferred an application for emergency leave for her husband on the ground that the grandfather of the convict is critically ill. It was dismissed as per Ext.P2 order stating that the medical certificate produced along with the application does not disclose the seriousness of the illness. This Writ Petition has been filed challenging Ext.P2.

2. I have heard Sri. Anil K. Muhamed, the learned counsel for the petitioner and Smt. Sreeja V., the learned Senior Public Prosecutor.

3. Ext.P1 is the medical certificate. It only says that the grandfather of the convict has Chronic Obstructive Lung Disease and Coronary Artery Disease and he is on regular treatment. It does not state about the seriousness of the disease. In other words, Ext.P1 does not disclose that the grandfather of the convict is critically ill so as to grant

emergency leave. The learned counsel for the petitioner submitted that the grandfather of the convict is in fact critically ill. In these circumstances, the petitioner shall produce a fresh medical certificate before the 3rd respondent showing the present medical condition of the grandfather of the convict. On receipt of the said medical certificate, the 3rd respondent is directed to reconsider the application for emergency leave afresh, in accordance with law, within a period of one week.

The Writ Petition is disposed of as above.

Sd/-
DR. KAUSER EDAPPAGATH
JUDGE

BR

APPENDIX OF WP(CRL.) 453/2025

PETITIONER'S EXHIBITS

Exhibit P 1	**A TRUE COPY OF MEDICAL CERTIFICATE OF PATERNAL GRANDFATHER OF PETITIONER'S HUSBAND ISSUED BY SUPERINTENDENT GOVERNMENT TRIBAL SPECIALITY HOSPITAL, KOTTATHARA, ATTAPADY**
Exhibit P 2	**TRUE COPY OF LETTER DATED 27/ 03//2025 ISSUED BY RESPONDENT NO.3 TO PETITIONER**

RESPONDENTS' EXHIBITS: NIL