

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 12<sup>TH</sup> DAY OF DECEMBER 2023 / 21ST AGRAHAYANA,

1945

WP(CRL.) NO. 1296 OF 2023

PETITIONER/S:

SUMI K.C,  
AGED 39 YEARS  
W/O. MANOJ, VATTAMURUPPEL, PUTHUMALA PO, ADOOR,  
PATHANAMTHITTA (WIFE OF MANOJ, CONVICT NO. 5503,  
LODGED IN CENTRAL PRISON AND CORRECTION HOME  
THIRUVANANTHAPURAM), PIN - 691554  
BY ADV V.VIJITHA

RESPONDENT/S:

- 1 STATE OF KERALA  
REPRESENTED BY THE HOME SECRETARY, DEPARTMENT OF  
HOME AFFAIRS, , SECRETARIAT, THIRUVANANTHAPURAM,  
PIN - 695001
- 2 KERALA PRISON AND CORRECTIONAL SERVICES  
REPRESENTED BY THE DIRECTOR GENERAL OF PRISON AND  
CORRECTIONAL SERVICES, DEPARTMENT OF PRISON,  
POOJAPURA, THIRUVANANTHAPURAM., PIN - 695012
- 3 THE SUPERINTENDENT  
CENTRAL PRISON AND CORRECTIONAL HOME, POOJAPPURA,  
THIRUVANANTHAPURAM, PIN - 695012

OTHER PRESENT:

SRI MP PRASANTH, PP

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR  
ADMISSION ON 12.12.2023, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:

**P.V.KUNHIKRISHNAN, J.**

W.P.(Crl.) No.1296 of 2023

Dated this the 12<sup>th</sup> day of December, 2023

**JUDGMENT**

The above writ petition (crl.) is filed with following prayers:

*“i) Issue a writ of Mandamus or any other appropriate writ order or direction and direct the 1st respondents to take up Ext.P6 representation preferred by the Petitioner and consider and pass appropriate orders for regularisation of overstay of parole period of the petitioner's husband, Manoj, Convict No. 5503, lodged in Central Prison and Correction Home Thiruvananthapuram, in the light of Ext.P7 Judgment of this Hon'ble Court as provided under the Kerala Prison and Correctional Services (Management) Rules, 2014, with immediate effect;*

*ii) Issue a writ of Mandamus or any other appropriate writ order or direction commanding the 2nd respondents to grant ordinary leave (ordinary parole) to the petitioner's husband Manoj, Convict No. 5503, lodged in Central Prison and Correction Home Thiruvananthapuram, as provided under the Kerala Prison and Correctional Services (Management) Rules, 2014.*

*iii) Issue a writ of Mandamus or any other appropriate writ order or direction and direct the respondents to consider and pass appropriate orders for release of the petitioner's husband, Manoj, Convict No. 5503, lodged in Central*

*Prison and Correction Home Thiruvananthapuram, on parole in accordance with law, with immediate effect;*

*iv) Declare that the husband of the Petitioner, Manoj, Convict No. 5503, lodged in Central Prison and Correction Home Thiruvananthapuram, is entitled to be considered and released on parole.*

*v) to dispense with the translation of the documents produced in the Vernacular Language. vi) Grant such other relief deemed fit to this Hon'ble Court.” (sic)*

2. The petitioner is the wife of Mr.Manoj, Convict No.5503, lodged in Central Prison and Correction Home, Thiruvananthapuram. The husband of the petitioner Mr.Manoj was released on parole from Open Prison and Correction Home, Netukkaltheri, Thiruvananthapuram on 10.02.2023 for fifteen days and he was supposed to return back to prison on 27.02.2023. But he reported back in the prison only on 01.03.2023. Due to the overstay of two days, the further grant of Parole to the husband of the petitioner are suspended by the jail authorities. The petitioner submitted Ext.P6 application for regularization of overstay before the 1<sup>st</sup> respondent. The same is not considered is the grievance. The petitioner seeks a direction to consider Ext.P6 in the light of Ext.P7 judgment.

3. Heard counsel for the petitioner and the public prosecutor.

4. After hearing both sides, I think this writ petition can be disposed of directing the 1<sup>st</sup> respondent to consider Ext.P6 within a time frame.

Therefore, this writ petition (crl.) is disposed of in the following manner:

1. The 1<sup>st</sup> respondent is directed to consider and pass appropriate orders in Ext.P6, as expeditiously as possible, at any rate within one month from the date of receipt of a certified copy of this judgment.
2. While deciding the matter, the 1<sup>st</sup> respondent will also consider the applicability of the dictum laid down in Ext.P7 judgment.

sd/-

**P.V.KUNHIKRISHNAN**  
**JUDGE**

das

**APPENDIX OF WP(CRL.) 1296/2023**

**PETITIONER EXHIBITS**

- |            |  |
|------------|--|
| Exhibit P1 | A TRUE COPY OF THE APPLICATION DATED 03.04.2023 OF THE PETITIONER ADDRESSED TO THE 2ND RESPONDENT            |
| Exhibit P2 | A TRUE COPY OF THE LETTER DATED 25.07.2023 ISSUED BY THE 2ND RESPONDENT                                      |
| Exhibit P3 | A TRUE COPY OF THE LETTER DATED 07.10.2023 ISSUED BY THE OFFICE OF THE CHIEF MINISTER OF KERALA              |
| Exhibit P4 | A TRUE COPY OF THE REPRESENTATION OF THE PETITIONER DATED 13.11.2023 TO THE HON'BLE CHIEF MINISTER OF KERALA |
| Exhibit P5 | A TRUE COPY OF THE JUDGMENT DATED 06.12.2023 IN WP(CRL).1275/2023 OF THIS HON'BLE COURT                      |
| Exhibit P6 | A TRUE COPY OF THE REPRESENTATION DATED 06.12.2023 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT         |
| Exhibit P7 | A TRUE COPY OF THE JUDGMENT DATED 23.12.2021 IN WP(CRL.) NO. 388 OF 2021 OF THIS HON'BLE COURT               |