



2025:KER:40489

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 10TH DAY OF JUNE 2025 / 20TH JYAISHTA, 1947

WP(CRL.) NO. 689 OF 2025

CRIME NO.771/2017 OF Kuzhalmannam Police Station, Palakkad

PETITIONER(S):

SHAFEENA P H
AGED 44 YEARS, W/O RASHEED K, GREEN HOUSE, RIYARIYATHIL
KALAM, KALAPPETTY P.O, KUZHALMANNAM, PALAKKAD DISTRICT,
KERALA, PIN - 678702

BY ADVS.
SRI.P.K.VARGHESE
SHRI.M.T.SAMEER
SHRI.JERRY MATHEW
SHRI.JUSTIN K.K.
SMT.DEVIKA K.R.
SMT.SAWPARNIKA RAJU
SHRI.SIYAD UMMER

RESPONDENT(S):

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY, HOME DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM, PIN - 682031
- 2 DIRECTOR GENERAL OF PRISONS & CORRECTION SERVICES
PRISON HEADQUARTERS, POOJAPPURA, THIRUVANANTHAPURAM,
PIN - 695012
- 3 THE SUPERINTENDENT
CENTRAL PRISON AND CORRECTIONAL HOME, THAVANUR.,
PIN - 679573

BY ADV.:

SRI. HRITHWIK CS-SR.PP

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
10.06.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



P.V.KUNHIKRISHNAN, J

W.P.(Crl.) No.689 of 2025

Dated this the 10th day of June, 2025

JUDGMENT

The above Writ Petition (Crl.) is filed seeking the following reliefs:

- I. Issue a writ in the nature of Mandamus or any other appropriate writ. order, or direction to the 3rd Respondent to take the decision on Exhibit P1 representation without any delay, by law.
- II. To grant any such other and further relief as this Hon'ble court may deem fit in the facts and circumstances of the case to meet the ends of justice.
- III. To dispense with the production of the English Translation of vernacular documents in the writ petition.”[SIC]

2. The petitioner is the wife of convict No.491/23, who is undergoing imprisonment at Central Prison and Correctional Home, Thavanur. He is sentenced to undergo imprisonment for life as per the judgment in SC No.59/2018 of the Additional



District and Sessions Court - III, Palakkad.

3. The son of the petitioner and the convict completed 10th standard with high mark. The petitioner's son is eligible for higher studies. The petitioner seeks parole for her husband for arranging admission to her child for higher studies. The same is rejected by the jail authorities stating that there is no provision for such a release. Hence, this writ petition is filed.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. When this writ petition came up for consideration, this Court directed the petitioner to produce the mark list of the son of the petitioner and the convict. Today, the mark list is produced as Ext.P2. A perusal of the same would show that the child of the petitioner and the convict obtained six A+ and two A grade in SSLC examination. Such a bright student seeking the help of his father to get admission in a plus two course after arranging fees and other things. This Court cannot keep its eyes shut to such request from a convict. The basic rights of the



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convict includes the right of a father to get good education to his child. A father's presence plays a vital role in child's higher education journey by offering emotional support, guidance and mentorship. It is true that, when a convict is in jail, the convict will lose some of his rights. But, the child of the convict should get the presence of his father for few days for a successful education year. Let the bright child of the convict, namely Shahansha Rasheed, who secured six A+ in SSLC examination, spend a few days with his father. Shahansha Rasheed should go to the plus two course after getting blessings from his parents with a smile on their face. Let the almighty give blessings to Shahansha Rasheed for a bright future. I think, the petitioner's husband should be given emergency leave for a period of seven days.

Therefore, this writ petition is disposed of with the following directions:

- 1. The petitioner's husband Rasheed son of Khader Moidheen (convict No.491/23) shall be released*



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on emergency leave for a period of one week from 12.06.2025 to 18.06.2025 on condition that the convict will execute a bond for Rs.1,00,000/- (Rupees One Lakh Only) with two solvent sureties each for the like sum, to the satisfaction of the jail authorities.

2. The petitioner shall return back to the jail at 04.00 PM on 18.06.2025.

**Sd/-
P.V.KUNHIKRISHNAN,
JUDGE**

nvj



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APPENDIX OF WP(CRL.) 689/2025

PETITIONER EXHIBITS

- | | |
|-------------------|---|
| EXHIBIT P1 | A TRUE COPY OF THE ORDER BY KERALA PRISONS AND CORRECTIONAL SERVICES DATED 19.05.2025 ISSUED BY THE RESPONDENT NO. 3 |
| EXHIBIT P2 | A TRUE COPY OF THE PROVISIONAL MARKLIST OF THE PETITIONER'S SON DOWNLOADED FROM THE OFFICIAL WEBSITE |

//TRUE COPY//

PA TO JUDGE