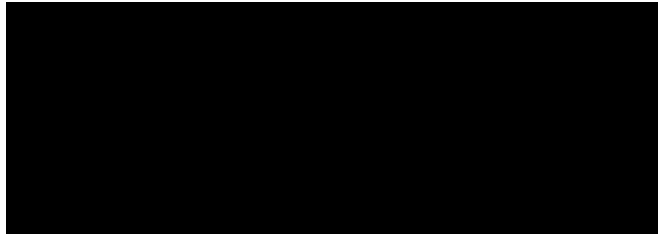


**IN THE HIGH COURT OF KERALA AT ERNAKULAM**  
**PRESENT**  
**THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS**  
**THURSDAY, THE 4<sup>TH</sup> DAY OF JANUARY 2024 / 14TH POUSHA, 1945**  
**WP(CRL.) NO. 1337 OF 2023**

**PETITIONER:**



BY ADVS.  
SUBASH CHANDRAN  
JEEVLIN JIJI  
GAYATHRI MURALEEDHARAN  
ARATHY P.

**RESPONDENTS:**

- 1 STATE OF KERALA  
REPRESENTED BY THE HOME SECRETARY,  
GOVT. SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695001
- 2 DIRECTOR GENERAL OF PRISONS AND CORRECTIONAL -  
SERVICES  
PRISONS HEADQUARTERS,  
POOJAPPURA, THIRUVANANTHAPURAM, PIN - 695012  
E- MAIL ID: DIG.HQ.PRISONS@KERALA.GOV.IN
- 3 SUPERINTENDENT  
OPEN PRISON & CORRECTIONAL HOME,  
CHEEMENI, KASARAGOD, PIN - 671313  
EMAIL ID : OP.CHMN.PRISONS@KERALA.GOV.IN,

4 STATION HOUSE OFFICER  
BADIADKA POLICE STATION,  
BADIYADKA, KASARGODE,  
KERALA, PIN - 671551

BY ADV.  
P.NARAYANAN,  
SENIOR GOVERNMENT PLEADER AND ADDITIONAL PUBLIC  
PROSECUTOR

**THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR  
ADMISSION ON 04.01.2024, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

**BECHU KURIAN THOMAS, J.**

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**W.P.(CrI.).No.1337 of 2023**  
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*Dated this the 4<sup>th</sup> day of January, 2024*

**JUDGMENT**

Petitioner is the daughter of [REDACTED] who is lodged at the Open Prison & Correctional Home, Cheemeni. Petitioner's father was convicted and sentenced to undergo life imprisonment for the offence under Section 302 of the Indian Penal Code, 1860.

2. Petitioner is the youngest daughter of the convict. She is getting married on 07.01.2024. Ext.P3 is the invitation card. Since the emergency parole sought by the convict was rejected, this writ petition is filed seeking parole for 15 days so as to attend the marriage on 07.01.2024. Petitioner contends that as a Muslim, in the absence of the father, the marriage may not even take place and further that on an earlier occasion since parole was not granted, her marriage had to be postponed.

3. The learned counsel for the petitioner contended that the emergency parole ought to be granted to the petitioner's father to attend petitioner's wedding, failing which irreparable hardship would befall.

4. Sri. P.Narayanan, the learned Additional Public Prosecutor, upon instructions, submitted that petitioner's father had earlier been granted emergency leave for three days and one day for journey in 2017 to attend the marriage of his eldest daughter and thereafter he was again granted emergency leave for seven days plus one day journey time in 2019 to attend the marriage of his second daughter. Recently, petitioner's father was again granted emergency leave for seven days to attend the funeral ceremony of his mother and on other regular occasions as well he was granted ordinary leave. However, the application of the convict for emergency leave to attend the wedding of the petitioner has been rejected for valid reasons.

5. On a consideration of the circumstances pointed out it is noticed that, on all the earlier occasions when petitioner's father was granted either ordinary leave or emergency leave he had never overstayed and instead returned without any default. The factum of marriage of the petitioner is not disputed by the respondents. As the father of a daughter, and that too being a Muslim, it is essential that the father attends the wedding. There are no adverse reports against the conduct of the petitioner's father nor are there any apprehensions expressed by the respondents that he will abscond.

6. In such circumstances, this Court is of the view that, petitioner's father ought to be granted emergency leave to attend the wedding of the petitioner scheduled to be held on 07.01.2024.

7. Accordingly, there will be a direction to the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to release the petitioner on emergency leave for a period of three days plus one day as travelling time from 12.00 pm on 05.01.2024 to 08.01.2024, both days inclusive.

Writ petition is allowed as above.

**H/O**

Sd/-

**BECHU KURIAN THOMAS  
JUDGE**

Jka/04.01.24.

**APPENDIX OF WP(CRL.) 1337/2023**

**PETITIONER'S EXHIBITS**

- Exhibit P1                    THE TRUE COPY OF THE SURRENDER CERTIFICATE  
ISSUED BY THE 3RD RESPONDENT  
SUPERINTENDENT BEARING FILE NO: GENERAL  
OP3-1790/2022/OPCHC-752 DATED 19.12.2023.
- Exhibit P2                    THE TRUE COPY OF THE NEWSPAPER REPORT  
PERTAINING TO THE SAME PUBLISHED IN  
MANORAMA DAILY DATED 17.10.2023.
- Exhibit P3                    THE TRUE COPY OF THE MARRIAGE INVITATION  
OF THE PETITIONER SCHEDULED TO BE ON  
07.01.2024.
- Exhibit P4                    THE TRUE COPY OF THE REQUEST LETTER  
ADDRESSED TO THE 3RD RESPONDENT DATED  
18.12.2023.