



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

FRIDAY, THE 31ST DAY OF JANUARY 2025 / 11TH MAGHA, 1946

WP (CRL.) NO. 46 OF 2025

PETITIONER:

SREEKUTTY
AGED 26 YEARS, W/O K. AMAL @ LUTTAPPI,
S/O KAMALAN, MELEKONATHU VEED,
CHENKOTTUKONAM, ULIAZHATHURA,
AYIROORPARA VILLAGE,
THIRUVANANTHAPURAM, PIN - 695581

BY ADV M. HEMALATHA

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO
GOVERNMENT OF KERALA, HOME DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM., PIN - 682031
- 2 DIRECTOR GENERAL OF PRISONS AND
CORRECTIONAL SERVICES
PRISON HEAD QUARTERS, POOJAPPURA,
THIRUVANANTHAPURAM., PIN - 695012
- 3 SUPERINTENDENT
CENTRAL PRISONS & CORRECTIONAL HOME,
POOJAPPURA,
THIRUVANANTHAPURAM, PIN - 695012
REJIT GEORGE, SR. PP

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 31.01.2025, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:



J U D G M E N T

The petitioner is the wife of the convict in S.C.No. 800 of 2014, who is undergoing imprisonment at present at Central Prison & Correctional Home, Poojappura.

2. The petitioner preferred an application for emergency leave before respondent No.3. The reason shown for the emergency leave is that the petitioner is taking infertility treatment under Dr.Mayadevi, Gynaecologist and Obstetrician and during the ovulation induction process, both husband and wife should be together. However, respondent No.3 rejected the application as per Ext.P2 order on the ground that the reason shown does not fall within Rule 400 of the Kerala Prisons & Correctional Services (Management) Rules, 2014. It is in these circumstances, the petitioner has approached this Court.

3. I have heard Sri.M.Hemalatha, the learned counsel for the petitioner and Sri.Rejit George, the learned Senior Public Prosecutor.



4. Exhibit P1 certificate issued by the Gynaecologist would show that the petitioner is on infertility treatment and she is on ovulation induction process. Thereafter, as per the instruction of this Court, another certificate has been issued by the Gynaecologist, which has been marked as Ext.P3. In the said certificate it is stated that the petitioner needs the presence of her husband during ovulation induction process. Thereafter, I have directed Dr.Mayadevi to be present through video conferencing. She was present on the last hearing date and I interacted with her. She has stated that the petitioner is taking infertility treatment and she is on ovulation induction process. She has further stated that during this period, the presence of the convict is absolutely necessary. She has issued another certificate stating that the presence of the convict is required for a period of one week from 05/02/2025. Though the reason offered does not strictly fall under Rule 400 of the Kerala Prisons & Correctional Services (Management) Rules, 2014, considering the peculiar nature of the case, I am of the

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view that the convict can be granted emergency leave from 05/02/2025, exercising the jurisdiction vested with this Court under Article 226 of the Constitution of India. Hence, the respondent No.3 is directed to grant emergency leave to the convict for a period of one week from 05/02/2025.

The writ petition is disposed of as above.

Sd/-
DR. KAUSER EDAPPAGATH
JUDGE

APA



APPENDIX OF WP (CRL.) 46/2025

PETITIONER EXHIBITS

- EXHIBIT-P1 THE COPY OF THE CERTIFICATE ISSUED BY DR. MAYA DEVI, GYNAECOLOGIST AND OBSTETRICIAN, SREE RAMAKRISHNA ASHRAMA CHARITABLE HOSPITAL, SASTHAMANGALAM, THIRUVANANTHAPURAM DATED. 3. 8. 2024
- EXHIBIT-P2 A TRUE COPY OF THE REPLY SENT BY THE 3RD RESPONDENT TO THE PETITIONER DATED 12-12-2024
- EXHIBIT-P3 A COPY OF THE MEDICAL CERTIFICATE ISSUED BY MY CONSULTING GYNAECOLOGIST AND OBSTETRICIAN DATED 18.01.2025