



2025:KER:74651

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

THURSDAY, THE 9TH DAY OF OCTOBER 2025 / 17TH ASWINA, 1947

WP(CRL.) NO. 1313 OF 2025

PETITIONER(S):

**ABDUL MUNEER
AGED 50 YEARS
S/O ALAVI, KUNNATHODI HOUSE, HAJYARPALLY,
HAJYARPALLY P.O., MALAPPURAM, PIN - 676519**

**BY ADVS.
SHRI.SUNNY MATHEW
SMT.BHAVANA K.K**

RESPONDENT(S):

- 1 THE SUPERINTENDENT
CENTRAL PRISON & CORRECTIONAL HOME, TAVANUR,
PIN - 679573**
- 2 THE SUB INSPECTOR OF POLICE
MANJERI, MALAPPURAM DISTRICT, PIN - 676121**
- 3 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM, PIN - 682031**

**BY ADV.
SR PP, SRI. HRITHWIK C S**

**THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 09.10.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**



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P.V.KUNHIKRISHNAN, J

W.P.(Crl.) No.1313 of 2025

Dated this the 09th day of October, 2025

JUDGMENT

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

“i) To issue a writ of certiorari or any other appropriate writ order or direction quashing exhibit P3 order dated 17.09.2025 passed by the 1st respondent.

ii) To issue a writ of mandamus or any other appropriate writ order or direction commanding the 1st respondent to grant the petitioner who is undergoing imprisonment at central prison and correctional home Tavanur as C 262/2025, leave for a period of 5 days from 10.10.2025 to 14.10.2025.

iii) Any other reliefs which may be prayed for from time to time.” [SIC]

2. Petitioner is Convict No.262/2025, who is undergoing imprisonment at Central Prison and Correctional Home, Tavanur. This Writ Petition is filed challenging Ext.P3 order passed by the 1st respondent by



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which his prayer for emergency leave was rejected.

3. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor.

4. According to the petitioner, his daughter completed LLB course from the School of Legal Studies, Kannur. Her enrollment is scheduled on 11th and 12th of October, 2025. The petitioner wants to participate in that function. The same was rejected by the jail authorities.

5. It is a settled position that emergency leave cannot be granted to a convict in all situations. This Court in **Bindhu K.P. v. State of Kerala** [2025 KHC 869] considered this matter in detail. Therefore, *prima facie* I am of the opinion that the petitioner is not entitled emergency leave for the reason that his daughter's enrollment as a lawyer is scheduled on 11th and 12th of October, 2025.

6. But, this Court has to look into the matter in the angle of the daughter also. A young girl completed her LLB course, and it is her dream to enroll as a lawyer.



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Her intention is to do the same in the presence of her father, who is in jail. Even if the petitioner is a convict and the whole world is treated him as a criminal, the father will be one of the hero of every child. Let that girl enroll as a lawyer in the presence of her father. This Court cannot shut its eyes to the feeling of the daughter. Considering the facts and circumstances of the case and also considering the feeling of the daughter, I think five days leave can be granted to the petitioner. I make it clear that this order is passed in the peculiar facts and circumstances of the case and this need not be taken as a precedent.

Therefore, this Writ Petition (Crl.) is disposed of in the following manner:

1. Ext.P3 is set aside.
2. The 1st respondent shall release the petitioner on emergency leave on executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the



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satisfaction of the jail authorities with effect from
10.10.2025.

3. The petitioner shall report back to the jail on
14.10.2025.

Sd/-

P.V.KUNHIKRISHNAN, JUDGE

DM

Judgment reserved	NA
Date of Judgment	09.10.2025
Judgment dictated	09.10.2025
Judgment uploaded	09.10.2025



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APPENDIX OF WP(CRL.) 1313/2025

PETITIONER EXHIBITS

EXHIBIT P1	TRUE COPY OF THE APPLICATION FOR ENROLMENT SUBMITTED BY THE PETITIONER'S DAUGHTER BEFORE THE BAR COUNCIL OF KERALA DATED 27.08.2025
EXHIBIT P2	TRUE COPY OF THE ANNOUNCEMENT BY THE BAR COUNCIL OF KERALA IN ITS WEBSITE DATED 30.09.2025
EXHIBIT P3	TRUE COPY OF THE ORDER DATED 17.09.2025 ISSUED BY 1ST RESPONDED DATED 17.09.2025