



2025:KER:98889

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE JOBIN SEBASTIAN

TUESDAY, THE 30TH DAY OF DECEMBER 2025 / 9TH POUSHA, 1947

WP(CRL.) NO. 1810 OF 2025

PETITIONERS:

SMITHA P.G
AGED 52 YEARS
W/O JYOTHY BABU, CHANDANA CHOLA, KOLAVALLOR,
CHERUPARAMBA P.O, THALASSERRY, KANNUR, PIN - 670693

BY ADVS.
SHRI.ELDHOSE JOY
SHRI.SARAFUDHEEN T.
SHRI.AMARJITH VADUVANKUTY

RESPONDENT:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY, HOME DEPARTMENT,
GROUND FLOOR, MAIN BLOCK, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 THE DIRECTOR GENERAL OF PRISONS AND CORRECTIONAL SERVICES
PRISONS HEADQUARTERS, POOJAPURA, THIRUVANATHAPURAM,
KERALA, PIN - 695012
- 3 THE SUPERINTENDENT
CENTRAL PRISON & CORRECTIONAL HOME, KANNUR KANNUR,
PODIKKUNDU, KERALA, PIN - 670004
- 4 WELFARE OFFICER
WELFARE OFFICE, CENTRAL PRISON & CORRECTIONAL HOME,
KANNUR, PODIKKUNDU, KERALA, PIN - 670004
- 5 THE SATE LEVEL ADVISORY BOARD
REPRESENTED BY THE CHAIRMAN, PRISONS HEADQUARTERS,
POOJAPPURA, THIRUVANANTHAPURAM, KERALA, PIN - 695012



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BY SMT. MAYA M.N., PUBLIC PROSECUTOR

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
30.12.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



J U D G M E N T

Jobin Sebastian, J.

This writ petition is filed by the wife of one Jyothy Babu, a convict prisoner presently lodged at the Central Prison and Correctional Home, Kannur. The husband of the writ petitioner is undergoing life imprisonment pursuant to the judgment dated 27.02.2024, passed by this Court in Crl.A. No. 403/2014 (arising out of S.C. No. 867/2016 on the file of the Additional Sessions Court, Kozhikode).

2. In the writ petition, it is contended that the convict's father's brother's son passed away on 28.12.2025 and that the convict is the only elder male member of the family capable of performing the essential religious funeral rites of the deceased. Be that as it may, the writ petitioner, who is the wife of the convict, submitted a representation before the Superintendent of Jail, Kannur, seeking emergency leave for a period of ten days. In the writ petition, the following reliefs are sought;

- I. Issue a writ mandamus or any other appropriate writ directing the respondents to grant emergency leave to convict No.124/2024, Jyothy Babu, for a period of ten days from 29.12.2025 in order to attend and perform the religious funeral rites of his cousin who passed away on 28.12.2025.



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- II. Direct the respondents to pass appropriate orders within a time frame fixed by this Hon'ble Court, considering the urgency of this matter.
- III. Grant such other orders or directions as this Hon'ble Court may deem fit, in the interest of justice.

3. I heard the learned counsel appearing for the petitioner and the learned Government Pleader. The learned Government Pleader opposed the petition, mainly contending that the relationship between the convict and the deceased is not sufficiently close to warrant the grant of emergency leave.

4. A perusal of Ext. P1 representation prima facie shows that a request seeking emergency leave has been submitted by the wife of the convict before the concerned Jail Superintendent. From the averments contained in the writ petition and the submissions made by the learned counsel for the petitioner, it is evident that the convict seeks emergency leave for the purpose of performing the funeral religious rites of his father's brother's son, who died on 28.12.2025. Though it is contended that the convict is the sole elder male member of the family competent to perform the last rites, no material has been produced by the petitioner to substantiate the said claim.

5. Further, as rightly pointed out by the learned Government Pleader, the deceased is neither a parent nor a sibling of the convict.



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On the contrary, the deceased is only the son of the convict's paternal uncle. Therefore, the relationship between the convict and the deceased cannot be considered sufficiently proximate to justify the grant of emergency leave. Unwarranted leniency in matters relating to emergency leave or parole would be undesirable, particularly in view of the fact that the petitioner's husband is a convict in a murder case.

Hence, the writ petition stands dismissed.

Sd/-
JOBIN SEBASTIAN
JUDGE

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APPENDIX OF WP(CRL.) NO. 1810 OF 2025

PETITIONER EXHIBITS

Exhibit P1	THE TRUE COPY OF THE REPRESENTATION DATED 28/12/2025 BEFORE THE 3RD RESPONDENT
Exhibit P2	THE TRUE COPY OF THE REPRESENTATION DATED 28/12/2025 BEFORE THE 2ND RESPONDENT
Exhibit P3	THE TRUE COPY OF THE REPRESENTATION DATED 28/12/2025 BEFORE THE 4TH RESPONDENT