

## Sreekutty Vs State Of Kerala

**Court:** High Court Of Kerala

**Date of Decision:** Jan. 31, 2025

**Acts Referred:** Constitution of India, 1950 " Article 226  
Kerala Prisons & Correctional Services (Management) Rules, 2014 " Rule 400

**Hon'ble Judges:** Dr. Kauser Edappagath, J

**Bench:** Single Bench

**Advocate:** M.Hemalatha, Rejit George

**Final Decision:** Disposed Of

### Judgement

Dr. Kauser Edappagath, J

1. 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 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.