



2025:KER:66361

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

MONDAY, THE 8TH DAY OF SEPTEMBER 2025 / 17TH BHADRA, 1947

WP(CRL.) NO. 1170 OF 2025

AGAINST THE ORDER/JUDGMENT DATED IN SC NO.99 OF 2013

OF ADDITIONAL SESSIONS COURT (ADHOC) III, MANJERI

PETITIONER/S:

KARUVANGADAN MUKTHAR @ MUTHU
AGED 38 YEARS
S/O UMMERHAJJI, CHEMBRAKATTUR, AREEKODE,
MALAPPURAM, PIN - 673 639

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

RESPONDENT/S:

- 1 THE SUPERINTENDENT
CENTRAL PRISON, KANNUR, PIN - 670 001
- 2 THE DEPUTY SUPERINTENDENT OF POLICE
NARCOTIC CELL, MALAPPURAM DISTRICT, PIN -676 509
- 3 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM, PIN - 682 031

SR PP SMT SEETHA S

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 08.09.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



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WP(CRL.) NO.1170 OF 2025

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P.V. KUNHIKRISHNAN, J.

W.P (Crl) No.1170 of 2025

Dated this the 08th day of September, 2025

JUDGMENT

The above Writ Petition (Crl) is filed with the following prayers:

- i) To issue a writ of mandamus or any other appropriate writ, order or direction commanding the 1st respondent to grant leave to the petitioner for a period of 10 days, so as to enable him to attend the 4th semester university internship scheduled to take place from 10.09.2025 to 16.09.2025.
- ii) To pass an order directing the 1st respondent to grant leave to the petitioner whenever the physical presence of the petitioner is insisted by the college /university for attending Moot Court seminar, workshop, internship program, University examinations or any other practical training as part of the petitioner's 3 year LLB course.

[SIC]

2. Petitioner is a life convict undergoing imprisonment at the Central Prison and Correctional Centre, Kannur. He was convicted under Section 302 of the Indian Penal Code. It is the case of the petitioner that, he is pursuing the 4th semester in a three-year LLB course at KMCT Law College, Kuttippuram, and is now attending the classes online. As part of the 4th semester internship, which is scheduled from 10.09.2025 to 16.09.2025,



as evident from the Ext.P1³ communication issued by the Principal of Law College, the petitioner has to be personally present in various institutions in the said period as part of the internship. In order to do the same, the petitioner submitted an application for leave before the 1st respondent. However, the 1st respondent has not considered the same. Hence, this Writ Petition.

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

4. The counsel for the petitioner relied on the Division Bench judgment of this Court in ***Pattakka Suresh Babu v. State of Kerala [2024 (1) KHC 55]*** and submitted that the petitioner is entitled to leave for attending the internship in connection with the course.

5. The Public Prosecutor relied on the judgment of this Court in ***Balamurali. N v. Inspector of Police [2025 KHC Online 1716]***.

6. This Court considered the contentions of the petitioner and the Public Prosecutor. The Division Bench of this Court in ***Pattakka Suresh Babu's case (supra)*** observed that, a prisoner who intends to pursue his studies should be allowed to pursue his studies through online, and for other internal



examinations, the prisoner should be granted leave. I am of the considered opinion that the petitioner should be given leave in the light of the observation of the Division Bench in ***Pattakka Suresh Babu's case (supra)***. I think the dictum laid down in ***Balamurali's case (supra)*** is not applicable in the present case.

Therefore, this Writ Petition (Crl) is allowed in the following manner:

1. The 1st respondent is directed to grant ordinary leave to the petitioner for a period of 10 days from 09.09.2025 to 18.09.2025 on executing a bond for Rs.1,00,000/- (Rupees One Lakh Only) with two solvent sureties each for the like sum to the satisfaction of the jail authorities.
2. The Registry will issue a copy of the judgment today itself.

**Sd/-
P.V.KUNHIKRISHNAN
JUDGE**



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APPENDIX OF WP(CRL.) 1170/2025

PETITIONER'S EXHIBIT

Exhibit P1

**TRUE COPY OF THE COMMUNICATION ISSUED
BY THE PRINCIPAL KMCT LAW COLLAGE
KUTTYPURAM TO THE 1ST RESPONDENT DATED
21.08.2025**