



GOVERNMENT OF KERALA

Abstract

Home Department -Prisons - Premature release of C. No. 450 Sreedharan, Open Prison and Correctional Home, Cheemeni on medical grounds- Orders issued.

HOME(B)DEPARTMENT

G.O.(Ms)No.195/2022/HOME Dated,Thiruvananthapuram, 07-10-2022

Read 1 Judgment dated 28.04.2019 of the Hon'ble Sessions Court Thalassery in SC No. 4/2004

2 Representations dated 18.10.2021 & 23.02.2022 received from Smt. Omana.

3 G.O.(Rt) No. 2845/2021/Home dated 18.10.2021.

4 Letter No. WP1-6143/2022/PrHQ dated 28.05.2022 and 05.07.2022 of the Director General,Prisons & Correctional Services.

5 Letter No. DPO/T/ME-71/20-21 dated 29.03.2022 of the District Probation Officer, Kannur.

6 Letter No. 05/DCRB/PRL/2022 KC dated 19.04.2022 of the City Police Commissioner, Kannur City.

7 Special Medical Board Certificate Register No. 23076 dated 27.04.2022 of Government General Hospital, Thalassery.

ORDER

Smt. Omana, w/o C.No. 450, Sreedharan, a prisoner of Open Prison and Correctional Home, Cheemeni submitted a representation dated:18.10.2021, read as 2nd paper above, before the Hon'ble Chief Minister stating that her husband had been admitted to Pariyaram Medical College, Kannur due to Covid-19. She further requested to give him better treatment at MIMS hospital, Kozhikode as he was suffering from Pneumonia, pus on leg and liver disease. As per Government order read as 3rd paper above, parole for 15 days was granted to Sri.

Sreedharan for his treatment at MIMS Hospital, Kozhikode according to the provisions of Section 73 of Kerala Prisons and Correctional Services (Management) Act, 2010. Subsequently, the parole was extended for 30 days at a time from time to time, considering his pathetic health situation and he is still continuing on parole.

Meanwhile Smt. Omana submitted another petition dated: 23.02.222 read as 2nd paper above, requesting to grant her husband remission of sentence as he had already undergone the sentence for a period of 13 years.

The prosecution case against Sri. Sreedharan was that on 17.11.2002, he along with others criminally conspired the murder of an R.S.S. worker, Vattapara Shaji, and by forming an unlawful assembly, restrained him and murdered him by beating and inflicting injuries on his body. As per the judgement read as 1st paper above, the Hon'ble Sessions Court, Thalassery convicted him in SC No.4/2004 and sentenced to undergo imprisonment for life and to pay a fine of Rs.25,000/- i/d imprisonment for one year, u/s 302 IPC, r/w 149, Rigorous Imprisonment for 6 months u/s 143 r/w 149 IPC, Rigorous Imprisonment for 1 year u/s 147 r/w 149 IPC.

The Director General of Prisons and Correctional Services, vide letter read as 4th paper above, has submitted a proposal enclosing the latest Police and Probation reports, details of conviction, recommendation of Medical Board and copies of judgments. It is further reported that Sri. Sreedharan has completed an actual sentence of 13 years 19 days as on 17.05.2022 and has completed 18 years 06 months 2 days of sentence including remission. He has also been allowed set off for 48 days. Considering the favourable reports of Police and Probation authorities, age (72 years) and his inability to survive himself, the Director General of Prisons and Correctional Services has requested Government to consider the release of Sri. Sreedharan favourably.

The District Probation Officer, Kannur, as per letter read as 5th paper above, reported that the prisoner's family consists of wife, two sons and their families. As he is suffering from various health issues his

family is willing to give him shelter. Although family of the victim objects to his release, they are ready to agree with the decision of Government what ever it may be and won't make any further issues. No other issues have been reported while he was released earlier on parole. Considering the above circumstances the Probation Officer recommended the premature release of Sri. Sreedharan.

The City Police Commissioner, Kannur City, vide letter read as 6th paper above reported that Sri. Sreedharan is unable to survive without the help of others. Now there exists no law and order issues and political rivalries at the place where the incident occurred. There are no threats from the relatives of the victim. Considering the above, he recommended the release of Sri. Sreedharan.

The Special Medical Board of Government General Hospital, Thalassery examined Sri. Sreedhanran on 27.4.2022 and vide certificate read as 7th paper above,certified that he is suffering from Type 2 Diabetes Mellitus, Necrotising fasciitis, Hypertension Coronary Artery Disease,T1 A Acute Kidney Injury. He has Right Transtibial Amputation up to 1/3 of leg with ulceration of stump and has 70% permanent loco-motor disability. He has amputation at the level of IP Joint Right Thumb. The Medical Board further recommended that he needs a full time caregiver considering his age, co-morbidities and trans-tibial amputation.

The Government have examined the matter in detail and are pleased to grant premature release to C.No. 450, Sreedharan, Open Prison and Correctional Home, Cheemeni in exercise of powers conferred under Article 161 of the Constitution of India and subject to the conditions laid down on Rule 470 of the Kerala Prisons and Correctional Services (Management) Rules, 2014,on medical grounds.

(By order of the Governor)

DR VENU V I A S

ADDITIONAL CHIEF SECRETARY

Principal Secretary to Hon'ble Governor, Raj Bhavan,
Thiruvananthapuram
The State Police Chief, Thiruvananthapuram
The Director General of Prisons and Correctional Services,

Thiruvananthapuram (With case file)
Superintendent, Open Prison and Correctional Home, Cheemeni
General Administration (SC) Department (vide item No. 1053 dated
14.09.2022)

Law Department (Vide OPN-E1/253/2022-Law (e-2143292) dated 1
The Information Officer, Web & New Media Wing, I& PRD.
The Stock file / Office Copy

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Section Officer