

Sheriff vs the State of Kerala

Sheriff vs the State of Kerala

SooperKanoon Citation : sooperkanoon.com/1333001

Court : Kerala

Decided On : Feb-21-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : WP(Crl.)/40/2023

Appellant : Sheriff

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS TUESDAY, THE 21ST DAY OF FEBRUARY 2023 / 2ND PHALGUNA, 1944 PETITIONER: SHERIFF AGED 55 YEARS S/O JANI SAHIB, CHARUVILA PUTHEN VEEDU, NEAR RAILWAY STATION, PUNALUR, VALACODE(PRT), VILAKKUVATTOM KOLLAM, PIN - 691305 BY ADVS. SASTHAMANGALAM S. AJITHKUMAR SATHEESH MOHANAN RESPONDENTS: 1 THE STATE OF KERALA REPRESENTED BY THE SECRETARY, HOME DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 2 THE DIRECTOR GENERAL OF PRISONS PRISONS HEADQUARTERS, POOJAPURA, THIRUVANANTHAPURAM, PIN -

695012 3 THE SUPERINTENDENT (PRISONS) CENTRAL JAIL,
VIYYUR, THRISSUR, PIN - 680010 4 SHRI ANEESH DEPUTY
SUPERINTENDENT (PRISONS), CENTRAL JAIL, VIYYUR, THRISSUR,
PIN - 680010 OTHER PRESENT: PP- SMT.SEETHA S THIS WRIT
PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
21.02.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

BECHU KURIAN THOMAS, J.

----- W.P.(Crl) No. 40 of 2023
----- Dated this the 21st day of February, 2023

JUDGMENT

Petitioner seeks for a direction to the 3 rd respondent to conduct a proper enquiry in respect of the physical assault on the petitioners son inside the central prison

2. Petitioner is the father of one Fazil Sheriff, who is a

convict in S.C.No.381/2018 of the Sessions Court, Kottayam. He was convicted by judgment dated 27-08-2019 and has been in custody since then. According to the petitioner, on 16-01-2023, there occurred an assault on petitioner's son by a rival group of prisoners who were instigated by the 4th respondent to compel petitioner's son to settle a dispute between another convict and the jail authorities.

3. Petitioner apprehended that his son would be shifted from the Central prison at Viyyur to some other prison and an interim relief was also sought against such shifting.

4. A statement has been filed by the 3 rd respondent

pursuant to the direction of this Court, wherein, it is stated that on 4-01-2023 petitioner along with his brother had visited the 3 rd respondent and complained about a clash between two rival groups inside the prison. On verification, by the 3 rd respondent, it was realised that the allegations raised by the petitioner were

incorrect since the explanation offered by the 4th respondent was found to be reliable. In fact, the statement further mentions that on 5-01-2023 petitioner's son who was earlier removed from a work allotted to him was reinstated into the said work as per the direction of the 3rd respondent.

5. It was also stated that there is no plan to transfer the

petitioner's son to any other prison and no such request has even been forwarded till date. It was further stated that on 16-01-2023 at about 4:35pm there was a violent clash between two rival groups of prisoners, for which Crime No.61/2023 has already been registered under Sections 143, 147, 341, 323, 324, and 149 of the Indian Penal Code, against petitioner's son as well as four other remand prisoners. The convict who had suffered injury was sent to the General Hospital for treatment and on the basis of the complaint of petitioner's son, Crime No.63/2023 has also been registered against other convicts.

6. On a perusal of the statement filed on behalf of the 3rd

respondent and on noticing that crime has been registered on the basis of the complaint of the petitioner's son, nothing further requires to be ordered, since based upon the said FIRs the enquiry in accordance with law will certainly take place.

7. Accordingly, no further orders are required and the reliefs sought in this writ petition stands satisfied for the present by virtue of the registration of Crime No.63/2023.

This writ petition is therefore closed. Sd/- BECHU KURIAN THOMAS JUDGE
AJM/23/2/23 APPENDIX OF WP(CRL.) 40/2023 PETITIONER EXHIBITS Exhibit
P1 THE TRUE COPY OF THE COMMON ORDER IN WPC (CRL) 7 OF 2021
AND WPC (CRL) 23 OF 2021 OF THIS HON'BLE COURT DATED Exhibit P2 A
TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE
4TH RESPONDENT DATED 14.01.2023. //TRUE COPY//

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com