



GOVERNMENT OF KERALA

Abstract

Home Department - Prisons - Judgment of the Hon'ble High Court in W.P(Crl). No.767/2023 filed by Smt.Rahina Chacko - complied with - orders issued.

HOME(B)DEPARTMENT

G.O.(Rt)No.881/2024/HOME Dated,Thiruvananthapuram, 22-03-2024

Read 1 Judgement of the Hon'ble Sessions Court Kollam dated 27.08.2019 in SC No.381/2018

2 Letter No.ADPO/ME No.30/2020-21 dated 10.08.2020 of Additional District Probation Officer, Kollam

3 Letter No. D1-12150/2023/QR dated:24.06.2023 of District Police Chief, Kollam Rural

4 Letter No.WP1-19161/2023/PrHQ dated:12.07.2023 of the Director General, Prisons & Correctional Services

5 Judgement of the Hon'ble High Court dated 01.11.2023 in W.P(Crl). No.767/2023 filed by Smt.Rahina Chacko

6 C.C(C)No.768/2024 filed by Smt.Rahina Chacko

ORDER

Smt. Rahina Chacko has filed WP(Crl) 767/2023 before the Hon'ble High Court against the denial of leave to her son C No.3696 Syanu Chacko, Central Prison and Correctional Home Thiruvananthapuram. Hon'ble High court disposed of the WP(Crl) as

per judgement read as 5th paper above, directing the 1 st respondent (State of Kerala) to consider the ordinary leave application of the petitioner's son [convict no.3696] as expeditiously as possible, at any rate within one month from the date of receipt of a copy of the judgment. The Hon'ble Court also directed the petitioner to produce a copy of the judgment along with a copy of the Writ Petition before the 1st respondent.

2) The prosecution case was that Sri.Syanu Chacko along with other persons hatched a conspiracy to abduct Kevin P. Joseph (the deceased) and Aneesh Sebastian in order to compel the release of Neenu Chacko, who was in the custody of Kevin P. Joseph and pursuant to such conspiracy, the accused persons trespassed into the house of Sri.Aneesh Sebastian at Mannanam and abducted him and Kevin P. Joseph. They were brought to Chaliyekkara where Kevin P. Joseph attempted to flee. The accused persons have chased him and caused his death by drowning him in the Chaliyekkara river.

3) Hon'ble Sessions Court Kottayam, as per judgment read as 1st paper above, convicted him in SC No.381/2018 and sentenced to undergo (I) RI for Life & a fine of 25,000/- i/d SI for 1 year U/s 302 r/w 34 IPC, (II) RI for life and a fine of 15,000/- i/d SI for 1 year u/s 364A r/w 34,120 (B) IPC, (III)RI for 3 years u/s 506 (ii) r/w 34IPC, 120 (B) IPC.

4) Additional District Probation Officer Kollam, as per letter read as 2nd paper above, reported that his neighbors exhibited different opinions regarding his release on leave. Granting leave to him may facilitate his social integration. There are no adverse issues reported against him while he was released earlier to visit his father.

5) District Police Chief, Kollam Rural as per letter read as 3rd paper above, reported that the people in the locality still possess

displeasure with the high handed atrocity done by the prisoner and his accomplices. Victim's family members will be dissatisfied if he is released on leave. There are chances to occur untoward incidents on his release. Granting leave to him may convey wrong message to the society. Hence, the District Police Chief Kollam Rural did not recommend his release.

6) He has undergone actual imprisonment of 4 years, 11 months & 19 days as on 31.05.2023.

7) The matter of granting leave to the petitioner's son was placed before the meeting of the Jail Advisory Committee of held on 29.06.2023 as per Rule 469 of the Kerala Prisons and Correctional Services (Management) Rules 2014. The Committee observed that he was convicted and sentenced in the sensational Kevin Murder case, first case of honour-killing in Kerala. After deliberations it was decided not to recommend the matter of granting ordinary leave to C No.3696 Syanu Chacko to Government, considering the notorious nature and gravity of the crime committed and the period of incarceration undergone by the prisoner.

8) Government have examined the matter in detail with respect to the judgement of conviction, police report, probation report and minutes of the Advisory Committee of Central Prison and Correctional Home Thiruvananthapuram held on 29.06.2023 and found that it is not a fit case to be granted ordinary leave. The repercussions made by the incident still reverberates in the society and granting leave to such convicts may pass a wrong message to the society that the punitive system is so weak and may facilitate such type of crimes. Hence the matter of granting ordinary leave to C No.3696 Syanu Chacko, Central Prison and Correctional Home Thiruvananthapuram is hereby rejected.

9) Judgement of the Hon'ble High Court dated 01.11.2023 in

W.P(Crl). No.767/2023 filed by Rahina Chacko is complied with accordingly.

(By order of the Governor)

BISHWANATH SINHA

ADDITIONAL CHIEF SECRETARY

Smt.Rahina Chacko, W/o Chacko, Shanu Bhavan, Ottackal P.O.,

Thenmala, Kollam ,Pin - 691308

Advocate General, Kerala, Ernakulam (with covering letter)

The Director General, Prisons and Correctional Services ,

Thiruvananthapuram

Superintendent, Central Prison & Correctional Home,

Thiruvananthapuram

Principal Accountant General (A&E/Audit) Kerala,

Thiruvananthapuram

Information and Public Relations (Web & New Media) Department.

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