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4/11/16



GOVERNMENT OF KERALA

Abstract

Home Department – Prisons - Remission of sentence invoking the special powers under Article 161 of the Constitution of India -Sanctioned - Orders issued.

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HOME (B) DEPARTMENT

G.O.(MS) No. 274/2016/Home.

Dated, Thiruvananthapuram, 02.11.2016

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- Read:-
- 1) Judgment dated 29.4.1998 in CC No. 498/96 of the Hon'ble I Class Judicial Magistrate Court II, Thodupuzha.
 - 2) Common judgment dated 31.1.2003 in CrI Appeal 68/98, 69/99 of the Hon'ble Additional Sessions Court, Thodupuzha.
 - 3) Judgment dated 7.11.2012 in CrI Rev. Petition No. 834/904/2003 of the Hon'ble High Court.
 - 4) Judgment dated 30.1.2014 in Corrective petition (EnI) No. 90/13, RP (CrI) No. 458/13 SLP (CrI) No. 725/2013 of the Hon'ble Supreme Court.
 - 5) Representation dated 01.10.2014 of Sri. A Premachandran Nair.
 - 6) Representation dated 15.10.2014 of Sri. K. Manikantan Nair.
 - 7) Lr. No. D1-54125/2015/T of District Police Chief, Thiruvananthapuram.

ORDER

Sri. A Premachandran Nair and Sri. K. Manikantan Nair are two Civil Police Officers. On 29.12.1993 they were on duty to escort one Jose detenu No. 1304 from Central Prison, Thiruvananthapuram to CJM, Court Thodupuzha for court proceedings. While on return the above policemen allowed him to visit his house at Naragathanam, Thankamani village which led to the escape of the said detenu. A criminal case was registered against the above officers in Thodupuzha police station as CC No. 498/1996. They were found guilty u/s 223 r/w Section 34 IPC by the Hon'ble I Class Judicial Magistrate Court II, Thodupuzha and were sentenced to undergo imprisonment for 1 ½ years each, vide judgment read as 1 paper above.

2. Shri. K. Manikantan Nair and Shri. A Premachandran Nair approached Hon'ble Additional Session Court, Thodupuzha through CrI. Appeal No. 68/98 and 69/99 respectively and the Hon'ble Court vide its judgment read as 2nd paper above confirmed the order of the lower Court. Subsequently, Shri. K. Manikantan Nair and Shri. A Premachandran Nair filed Criminal Review Petition Nos. 904/2003 and 834/2003 respectively and the Hon'ble High Court vide its judgment read as 3rd paper above confirmed the conviction, but reduced the sentence imposed on them to Simple Imprisonment for 3 months each. The Hon'ble Supreme Court also dismissed the SLPs filed by them vide its order read as 4th paper above.

3. Finally, they approached Government through clemency petitions read as 5th paper and 6th paper above and requested to remit the sentence imposed on them. The District Police Chief, Thiruvananthapuram (Rural) as per letter read as 7th paper reported that Shri. Premachandran Nair is a chronic bachelor and heart patient. His aged mother is totally dependent on him. It was also reported that Shri. Manikantan Nair met with an

accident and fractured his back bone and is under treatment and he is not financially sound.

4. Government have examined the matter in detail based on the report of District Police Chief, Thiruvananthapuram and are pleased to remit the sentence of 3 months simple imprisonment imposed on Sri. A Premachandran Nair and Sri. K. Manikantan Nair in exercise of the special powers conferred under Article 161 of Constitution of India, considering their pathetic situation.

By Order of the Governor
NALINI NETTO,
Additional Chief Secretary

To

The State Police Chief, Thiruvananthapuram.
Secretary to Hon'ble Governor, Raj Bhavan, Thiruvananthapuram
First Class Judicial Magistrate Court II, Thodupuzha, Idukki District.
Sri .A Premachandran Nair, Kizhkkumkara puthenveedu, Thennor P.O,
Peringamala, Nedumangad, Thiruvananthapuram
Sri. K. Manikantan Nair, Kattakkalil puthenveedu, Aliyavoor, Puthkulangara P.O,
Nedumangad, Thiruvananthapuram
GA (SC) Department
✓ The Information Officer, Web & New Media Wing, I & PRD
The Stock File/Office copy.

Forwarded / By Order


Section Officer

