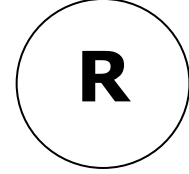




IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH



DATED THIS THE 14TH DAY OF AUGUST, 2025

BEFORE
THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.101311 OF 2025 (GM-POLICE)

BETWEEN:

ESHWARAMMA W/O NAGANAGOWDA
SON OF SIDDANAGOUDA, CTP- 13583,
AGED ABOUT 60 YEARS,
R/O. NEAR KEREMMA TEMPLE,
BANDRAHAL, BELLARY,
KARNATAKA- 583121.

...PETITIONER

(BY SRI. SIRAJUDDIN AHMED, ADVOCATE)

AND:

1. STATE OF KARNATAKA
HOME DEPARTMENT,
THROUGH PRINCIPAL SECRETARY,
VIDHANA SOUDHA,
BENGALURU- 560001.
REPRESENTED BY AGA,
HIGH COURT BUILDING,
DHARWAD- 580011.
2. CHIEF SUPERINTENDENT,
CENTRAL PRISON,
BELLARI- 585201.

...RESPONDENTS

(BY SRI.SHARAD V.MAGADUM, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227
OF CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT





NO.2 TO RELEASE PETITIONER'S SON SIDDANAGOUDA, CTP-13583, ON GENERAL PAROLE FOR A PERIOD OF 90 DAYS IN ACCORDANCE WITH LAW CITING THAT ILLNESS OF THE CONVICT MOTHER, IN THE INTEREST OF JUSTICE.

THIS PETITION IS COMING ON FOR ORDER, THIS DAY, THE COURT MADE THE FOLLOWING:

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. The petitioner is before this Court seeking for the following reliefs:

A. Direct the respondent No.2 to release petitioner s son Siddanagouda CTP-13583 on general parole for a period of 90 days in accordance with law citing that illness of the convict mother in the interest of justice.

B. Pass any other order(s) which this court may deem fit and proper under the facts and circumstances of the case, in the interest of justice.

2. The petitioner's son Siddanagouda, CTP No.13583, was convicted for life by the Additional District and Sessions Judge, Ballari in S.C.No.7/2021, for the offences punishable under Sections 341 and 302 of the Indian Penal Coder (for short 'IPC') on 20.07.2023. As regards which, the convict has filed a criminal appeal in Criminal Appeal



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No.100176/2024. Though the petitioner had filed an application for suspension of sentence and bail, the same was withdrawn.

3. Now the present petition has been filed by the mother of the petitioner seeking for release of her son on general parole for a period of 90 days on account of her illness. As regards which, a certificate of the concerned treating doctor has been produced. For the said application to be considered, the police report was sought. A report was submitted on 25.02.2025, recommending that the petitioner's son not be released on parole. Though the said report has not been challenged before this Court, only a relief seeking direction to grant general parole has been filed.
4. When the same was taken up for consideration, the learned Additional Government Advocate submitted that, since the appeal filed by the



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petitioner's son in Criminal Appeal No.100176/2024 is pending, they could always move an application for suspension of sentence and/or bail in the said proceedings, and hence, the question of granting parole would not arise.

5. Heard Shri Sirajuddin Ahmed., learned counsel for the petitioner and Shri Sharad V.Magadum., learned Additional Government Advocate for respondent-State.
6. The grant of parole, which is contemplated as an exception, is granted in exigent circumstances if the need so arises, taking into consideration the circumstances contended by the convict and/or by the immediate relatives of the convict. This Court, in its order dated 26.07.2023 in ***W.P. No.20180/2023*** between ***Arjun S/o Lakkappa Hurakannavar Vs State of Karnataka and others***, has categorically held that the pendency



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of a criminal appeal by the convict would not come in the way of considering an application for parole. This Court has also held that even if an application for bail were to be rejected, an application for parole could still be considered.

7. The submission of the learned Additional Government Advocate that an application for bail or suspension of sentence should be filed, and that an application for parole cannot be considered without such filing, is not sustainable. In such cases, an application for suspension of sentence would be for suspending the entire sentence pending consideration of the criminal appeal. An application for bail would also be for grant of bail, pending consideration of the criminal appeal. Both suspension of sentence and bail are not restricted by time, whereas an application for parole is time-bound and is normally granted for a period of 30, 60, or 90 days, extendable if circumstances so



require. After the expiry of the parole period, the convict is required to report back to jail and continues to undergo incarceration for the remainder of the sentence.

8. Thus, in my considered opinion, it would not be required for a convict to file an application for suspension of sentence and/or bail instead of filing an application for parole. The non-filing of such an application for suspension of sentence and/or bail would not deprive the convict of consideration for parole, if such application is submitted.
9. It is noted that the authority has not considered the illness of the mother of the convict or the conditions provided under Sections 635, 636, 637, and 643 of Chapter XXXIV of the Karnataka Prison Manual. It is required that whenever an order is passed rejecting a parole application, the ambit



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and applicability of the aforesaid sections are clearly enumerated by way of a reasoned order.

10. In that view of the matter, the rejection of the parole application in the police report has not taken into account the illness of the convict's mother, i.e., the petitioner, as indicated in the present application. Accordingly, I pass the following:

ORDER

1. The writ petition is **partly allowed**.
2. Respondent No.2 is directed to release the petitioner's son, namely Siddanagouda, CTP No.13583, on general parole for a period of 60 days in order to take care of his mother's illness, from the date of receipt of certified copy of this order, subject to the following conditions.



- a) The prisoner (CTP No.13583) shall mark his attendance in the jurisdictional Police Station, weekly once throughout the period of his parole and it would be the responsibility of the jurisdictional Police to take him to gaol, in the event, the convict (CTP No.13583) would evade going back to the gaol, after the expiry of the period of general parole.
- (b) Respondent No.2 shall stipulate strict conditions as are usually stipulated to ensure return of the detenu to the gaol and that he shall not commit any other offence during then period of parole.
- (c) The registry is directed to communicate the order to the prison authority for its immediate execution.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

AM/-
List No.: 1 SI No.: 27