



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE R DEVDAS

WRIT PETITION NO. 18499 OF 2023 (GM-POLICE)

BETWEEN:

SRI. VASUDEVA @ VASU
S/O LATE KAVERAPPA,
AGED 44 YEARS,
R/AT NO.212
BEHIND GANESHA TEMPLE,
SIDDARTHA COLONY,
MADIWALA, HOSUR ROAD,
BENGALURU-560068

NOW IN THE CENTRAL PRISON,
HAVING CTP NO. 10429
PARAPPANA AGRAHARA,
BENGALURU-560100.

...PETITIONER

(BY SRI. K RAVISHANKAR., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPT. BY IS SECRETARY
DEPT. OF HOME,
VIDHANA SOUDHA,
BENGALURU-560001.





2. THE COMMISIONER OF POLICE
BENGALURU CITY,
NRUPATHUNGA ROAD,
BENGALURU-560001.
3. THE CHIEF SUPERINTENDENT
CENTRAL PRISON,
PARAPPANA AGRAHARA
BENGALURU-560100.
4. THE ADDITIONAL DIRECTOR
GENERAL OF POLICE,
KARNATAKA PRISON
CORRECTIONAL SERVICES,
SHESHADRI ROAD,
GANDHINAGAR,
BENGALURU-560009.
5. THE INSPECTOR OF POLICE
MADIWALA POLICE STATION,
MADIWALA
BENGALURU-560068.

...RESPONDENTS

(BY SRI. MANJUNATH K, HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE POLICE REPORT DTD 12.07.2023 ISSUED BY THE R-2 BEARING NO.CCRB/GIS/PAROLE/10/2023 (PRODUCED VIDE ANNEX-B TO THE WP AND ETC.

THIS WRIT PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:



ORDER

R.DEVDAS J., (ORAL):

The petitioner, who is undergoing sentence on an order of conviction passed in S.C.No.178/2015 by the LXVI Addl. City Civil & Sessions Judge, Bengaluru City, to undergo imprisonment for life for the offence punishable under Sections 302, 307, 341 read with Section 34 of Indian Penal Code, is before this Court aggrieved of the impugned order dated 12.07.2023 passed by respondent No.2-The Commissioner of Police, Bengaluru city at Annexure-B and the subsequent endorsement dated 17.07.2023 at Annexure-C, whereby the application filed by the petitioner seeking general parole for a period of thirty days has been rejected at the hands of respondent No.3-The Chief Superintendent of Central Prison, Bengaluru.

2. Learned Counsel for the petitioner submits that the petitioner has been in incarceration for almost 10 years and 6 months. In the past, the petitioner had



sought for such general parole only once, for a period of three months. It is submitted that in terms of the provisions contained in the Karnataka Prisons and Correctional Services Manual-2021, the petitioner is entitled to seek parole subject to the conditions imposed therein. Learned Counsel submits that in the impugned order the only ground on which the application has been rejected is that on verification from the neighbors of the residents of the petitioner, no good opinion is found and it is apprehended that if the petitioner is granted parole, it would disturb the peace and tranquility of the general public. Learned Counsel submits that this reasoning given by respondent No.3, rejecting the application would be contrary to the provisions contained in the Manual. Moreover, it is submitted that there are any number of judgments of this Court in the matter of grant of general parole, including a recent decision in the case of **Nanjundaia and Another Vs. The State of Karnataka and Others, in W.P.No.1118/2023, dated 24.04.2023.** Having regard to the said decision of this Court and the



fact that the reasons given in the impugned order to reject the application is not in tune with the provisions contained in the Manual, learned Counsel submits that the impugned order should be set aside while granting parole as requested by the petitioner.

3. During the course of these proceedings, the learned Counsel for the petitioner had also made a submission that the petitioner's mother has been hospitalized and she is in ICU in Sanjaya Gandhi Hospital, Bengaluru. This morning, a direction was issued to the learned High Court Government Pleader to verify from the hospital through the jurisdictional police and check the veracity of the statement made on behalf of the petitioner. Learned High Court Government Pleader has furnished a communication made by the Police Inspector, Madiwala Police Station, Bengaluru, along with the endorsement made by the Medical Officer, General Hospital, Jayanagara, Bengaluru, stating that the petitioner's mother-Smt.Gowramma, was indeed admitted in ICU, but



she has been shifted to the General Ward today and she has been referred to a General Physician. Learned High Court Government Pleader submits on instructions that the petitioner's mother is only suffering from breathing problem and fever and she would be discharged by tomorrow.

4. Having regard to the material available on record and in consideration of the submissions made by the learned Counsel for the petitioner and on going through the impugned order, this Court is of the considered opinion that the reason for rejecting the application made by the petitioner cannot be sustained. Respondent No.3-Competent Authority, is required to consider the application having regard to the provisions contained in the Karnataka Prisons and Correctional Services Manual-2021. The application cannot be rejected on the ground that there is a public opinion that if the petitioner is released on parole, it would cause disturbance of the peace and tranquility of the public. It has to be noticed



that the petitioner is incarceration for more than 10 years now and on the previous occasion when the petitioner was released on a general parole for a period of three months, there has been no such incident reported against the petitioner. Such information is also not found in the impugned order.

5. For the reasons stated above, this Court is of the considered opinion that the impugned endorsement dated 17.07.2023 issued by respondent No.3-Chief Superintendent, Central Prison, Bengaluru, cannot be sustained.

6. Consequently, the writ petition is **allowed**. The impugned endorsement dated 17.07.2023 issued by respondent No.3-The Chief Superintendent, Central Prison, Bengaluru, at Annexure-C, is hereby quashed and set aside. Respondent No.3 is hereby directed to reconsider the application of the petitioner and pass necessary orders after ascertaining the particulars of the sureties before accepting them and the genuineness and/or otherwise of



the sureties. Necessary orders shall be passed by respondent No.3 within a period of one week from the date of receipt of a certified copy of this order.

Ordered accordingly.

**Sd/-
JUDGE**

DL
CT: JL