



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 17723 OF 2025 (GM-POLICE)

BETWEEN

RADHAMMA
W/O JAYANNA, Y
MOTHER OF SRINIVASA CTP-01440,
AGED ABOUT 43 YEARS,
R/O NO GLLARAHATTI (KADUR TALLUK),
YEMMEDODDI, CHICKMAGALUR,
KARNATAKA-577548.

...PETITIONER

(BY SRI. SIRAJUDDIN AHMED., ADVOCATE)

AND

1. STATE OF KARNATAKA
HOME DEPARTMENT,
THROUGH PRINCIPAL SECRETARY
VIDHANA SOUDHA,
BENGALURU - 560001.

2. CHIEF SUPERINTENDENT
CENTRAL PRISON
SHIVAMOGGA - 577222.

.... RESPONDENTS

(BY SMT. YASHODHA., AGA FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT NO.2 TO RELEASE THE PETITIONERS SON SRINIVASA CTP-01440 ON GENERAL PAROLE FOR A PERIOD OF 30 DAYS WITH LIBERTY TO SEEK EXTENSION TO ENABLE HIM TO SUPERVISE AND COMPLETE THE RENOVATION OF THE CURRENT RESIDENCE WHICH IS PRESENTLY IN A DILAPIDATED CONDITION AND ETC.





THIS WRIT PETITION COMING ON FOR ORDERS AND HAVING BEEN RESERVED FOR ORDERS ON 13.10.2025, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CAV ORDER

1. The Petitioner who is the mother of the convict-Srinivasa CTP-04140 is before this Court seeking for the following reliefs:

- i. Direct the Respondent No.2 to release the petitioner's son Srinivasa CTP-01440 on general parole for a period of 30 days with liberty to seek extension to enable him to supervise and complete the renovation of the current residence which is presently in a dilapidated condition.*
- ii. 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 convict who is sentenced for imprisonment of ten years for the offences punishable under Section 4 of POCSO Act and Section 376(2)(6) of the IPC in Spl.C.(P).No.25/2023 by the District and Sessions Judge, FTSC-I, Chikkamagaluru. As on 15.05.2025, the petitioner has been in custody for a period of 2



years 3 months 21 days. An application for parole was made by the mother of the petitioner to assist in the repair of the house of the petitioner and the convict, which application having been rejected, the Petitioner is before this Court.

3. Regulation 635 of the Karnataka Prisoners and Corrections Service Manual, 2021 reads as under:

""i. Section 55 of the Karnataka Prisons Act, 1963 and Rule 191 of the Karnataka Prisons Rules, 1974 confers on State Government or any authority empowered by it the power to release prisoners temporarily;

ii. General Parole and Emergency Parole to inmates are progressive measures of correctional services. The release of a prisoner on leave not only saves him from the evils of incarceration but also enables him to maintain social relations with his family and the community.

iii. It also helps him to maintain and develop a sense of self-confidence. Continued contacts with family and the community sustain in him a hope for life.

iv. The provisions for grant of parole should be liberalized to help a prisoner to maintain a harmonious relationship with his family. The privilege of parole should, of course, be allowed to selective prisoners on the basis of well- defined norms of eligibility;



v. General and Emergency Parole cannot be claimed as a matter of right but it is a concession granted to the convicted prisoner;

vi. Director General of Prisons and Correctional Services reserves the right to debar or withdraw any prisoner or category of prisoners from the concession of any parole.

vii. The expense of journey to and from his place of stay for general parole or emergency parole shall be borne by the prisoner concerned;

viii. The period spent on general parole or emergency parole shall not count as sentence;

ix. The prisoner will be liable and recalled immediately to prison in case he violates any of the conditions by the Director General of Prisons and Correctional Services;

x. A register and separate file shall be maintained in Prison;

xi. A person can give surety for two or more prisoners."

4. A perusal of the Regulation would indicate that under Section 55 of the Karnataka Prisons Act, 1963 and Rule 191 of the Karnataka Prisons Rules, 1974, the State Government or any authority is empowered to release the convict temporarily. Various reasons have been attributed. One of the reasons is that



general parole or emergency parole to inmates are progressive measures of correctional services. The release of a prisoner on leave not only saves him from the evils of incarceration but also enables him to maintain social relations with his family and the community. It also helps him to maintain and develop a sense of self-confidence. Continued contacts with family and the community sustain in him a hope for life. The State has categorically opined that the grant of parole should be grant of parole should be liberalized to help a prisoner to maintain a harmonious relationship with his family. The privilege of parole should, of course, be allowed to selective prisoners on the basis of well- defined norms of eligibility.

5. The objective of parole is as detailed in Regulation 636 which is reproduced hereunder for easy reference:



"i. To enable the inmate to maintain continuity with his family life and deal with family matters and settlement of life after release;

ii. To enable him to maintain and develop his self-confidence, constructive hope and active interest in life;

iii. Agricultural operations like sowing and harvesting;

iv. To make arrangements for admission of children in school/college/technical education;

v. Construction and repair of home;

vi. To make arrangement or to participate in the family marriage;

vii. To save him from the evil effects of continuous long prison life;

viii. To help him remain in touch with the developments in the outside world;

ix. To enable him to overcome/recover from the stress and evil effects of incarceration;

x. To motivate him to maintain good conduct and discipline in the prison.

xi. To provide suitable option to woman prisoner to give birth to Child outside the Prison; if required.

xii. Any other extraordinary reasons on discretion of the head of the institution;

6. One of the objects is for construction and repair of home.



7. The Regulation 638 relates to general parole which is reproduced herein for easy reference:

" General parole shall be granted subject to the conditions specified under provisions.

i. Eligibility for General Parole:

a) A prisoner who has been classified as habitual criminal for the purpose of these rules and who has had more than three conviction or against whom case / cases are pending before Courts for offences punishable with death or imprisonment for more than 7 years shall not be eligible for general parole;

b) At the time of release on parole the prisoner must have served one half of his sentence including remission, or a period of not less than two years of sentence including remission and includes under trial period, whichever is less;

c) There should be a gap of six months between two general paroles after surrender date of previous parole;

d) His conduct in prison has been good;

e) A prisoner who fails to return to the prison after general parole on the due date shall not be eligible for sanction of general parole in future period of imprisonment unless regularised by Director General of Prisons and Correctional Services for such unauthorized period.



ii. Procedure for the general Parole:

a) A Prisoner who desires to be released on general Parole shall submit his application in triplicate in Form No. IX to the concerned Head of the Prison;

b) After receiving the Parole application from the Prisoner, the concerned Chief Superintendent/Superintendent of Prison shall obtain report from Commissioner of Police / District Superintendent of Police where residence referred in his/her parole application;

c) The Chief Superintendent or Superintendent of Prison shall obtain the report from the concerned Commissioner of Police or Superintendent of Police, if no such report is obtained within 15 days, the Chief Superintendent or Superintendent of Prison along with his remarks shall forward prisoner's parole application to Director General of Prisons and Correctional Services for consideration of general Parole;

d) The Chief Superintendent or Superintendent of Prison after obtaining the report from the concerned Commissioner of Police and Superintendent of Police within 15 days, with adverse report not to release the prisoner on general parole. The Chief Superintendent or Superintendent of Prison shall forward prisoner's parole application along with nominal roll, details of prisoner, nature of work, wages earned, remission and behaviour of the prisoner to the Director General of Prisons and Correctional Services for sanctioning/rejection of parole;



e) Prisoner shall deposit an amount of Rs.1,000/- (Rupees One thousand only) in cash and giving an undertaking before head of the prison institution on stamp paper of Rs.50/- value in Form X(A) that he will return to the prison before the expiry of the period of his general parole and that he will maintain good conduct during the period of parole release and he shall not associate with any bad elements or commit any offence punishable by any law. He shall also notify the place where he intends to reside during the period of general parole release;

f) One satisfactory surety for a sum of Rs.1,000/- (Rupees One thousand only) and giving an undertaking before head of the prison on stamp paper of Rs. 50/- value in Form X, that prisoner will surrender to the prison on or before expiry of the Parole Leave;

g) In lieu of surety he shall deposit an amount of Rs.3000/- (Rupees Three thousand only) in cash giving under taking of return to the prison before the expiry of the period;

h) Before releasing the prisoner on general parole, the concerned head of institution shall get all the particulars of the concerned prisoner, including the names and addresses of his family members, their phone numbers along with valid identification card for his/her identity like Aadhar Card, Election Card (EPIC)etc.;

i) The release and surrender report shall be submitted by Chief Superintendent/ Superintendent of Prison to the Director General of Prisons and Correctional Services and a copy thereof sent to Executive



*Magistrate, Superintendent of Police/
Commissioner of police and concerned Court;"*

8. In pursuance of the said provision, an application is required to be made for release on parole in Form No.9 to the concerned head of the prison. After receiving the application from the prisoner, and or his near and dear ones, the concerned Chief Superintendent /Superintendent of Prisons shall obtain permission report from the Commissioner of Police/District Superintendent of Police where residence referred to in his or her application made. It is on that basis that once an application is received from the petitioner, a requisition was sent through the Superintendent of Police, and a report has been received after one of the policemen visiting the village of the petitioner.

9. Insofar as clause (b) of sub-regulation (ii) of Regulation 638 is concerned, the nature of the



report which is required to be obtained and what are the issues that are to required to be considered have not been clearly specified.

10. In my considered opinion but be required for the Chief Superintendent/Superintendent of Prisons to clearly seek for certain information or report on the basis of each case, on each application on a case-to-case basis depending upon the nature of the offence and the punishment which has been imposed.
11. This Court relate to whether if the convicted were to release on parole could harm the victim further or harm the witnesses and if there is any danger of even the convict would be harmed by the victim and or the family members.
12. Apart from the above, unless the facts indicate otherwise, I do not see any other particular report which is required to be obtained inasmuch as the



conduct of the convict in the prison would be certified by the prisoner office. Once such a report is obtained, the Superintendent of Prison/Chief Superintendent of prison along with his remarks is to forward the parole application to the Director General of Prisons and correction services for consideration.

13. Though it is for the Director of Prisons and correction services to consider the said application. In matters which have been coming up before this Court that it is seen that no order is passed by Director General of prison and Correction Services. The application continues to be pending even though the report has been received and or the same has been forwarded by the Superintendent of Prison to the Director General of Prisons and Correction Services. An endorsement is issued by the office of the Director General of Prisons and correction services rejecting the application without any reasons forthcoming in



the endorsement except referring to the police report which has been so received. Unfortunately, in most matters neither the police report received from the Superintendent of police adverse to the required aspects nor does the give any reasons.

14. In so far as Director General of Prisons and Correction Services for probably for the reason that many hundreds of applications are received by the Director General.
15. The Chief Superintendent or Superintendent of Prisoner after obtaining a report from the concerned Commissioner of Police and Superintendent of Police within 15 days shall forward the prisoner's parole application along with nominal rule, details of prisoner, nature of work, wages earned, remission and behaviour of the prisoner to the Director General of Prisons and Correctional Services for sanctioning / rejection of parole. Pursuant to which, certain



deposits have to be made and affidavits provided by the prisoner. During the covid period, for a temporary period, the Superintendent was permitted to grant parole. However, the same came to an end after the Covid pandemic. This aspect has been dealt with by a Coordinate Bench of this Court in its order dated 19.8.2025 in W.P.No.11541/2025 and the Coordinate Bench has categorically held that in terms of the Karnataka Prisons and Correctional Services Manual 2021, the decision would have to be taken by the Director General of Prisons and Correctional Services. These aspects have not been considered in the present matter also on the ground that the application had been filed earlier on 5.4.2025. Be that as it may, the declaration of law by this Court in Mahesha's case would apply to the present case also. In the present case, the application has been filed by the mother of Srinivasa (CTP-01440), seeking for grant of parole so as to enable the convict to help in



the repair of the house, photographs of which have been produced. The said ground as indicated supra is covered under ground 5 of Regulation 636. The report which has been received from the District Superintendent of Police does not in any manner indicate as to why a parole is required to be denied, except to state that the petitioner had been prosecuted for the offences indicated supra and convicted. Parole is applied for by only convicted prisoners, not by persons outside prison. Convicted prisoners are under trials, not by persons who have not been incarcerated. The report which have been furnished by the District Superintendent of Police therefore leave much to be desired inasmuch as, as indicated supra, what would be required to be considered is whether, the prisoner would be a flight risk, would indulge in similar offences, or on release of the prisoner on parole, he is likely to cause harm and injury to the victim, family members, witnesses



or vice versa, they causing harm and injury to the prisoner.

16. The aspect of prosecution being initiated against the prisoner and the prisoner being convicted is known to one and all and there is no particular report which is required to be obtained in that regard. This probably has occurred on account of clause (c) of Roman (ii) of Regulation 638 being silent on the nature of the report which is required to be obtained. The Additional Chief Secretary of Home and the Director General of Prisons and Correctional Services are directed to look into this aspect and prepare suitable forms and carry out necessary training of all concerned in that regard. For the said purposes, they could engage the service of such competent and technical people as may be required. It is on account of such perfunctory reports sought for by the Superintendent of Prisons and again a perfunctory report submitted, through the District



Superintendent of Police that normally applications for parole are rejected. On inquiry as regards a number of applications where parole has been granted and number of application where it has been rejected, learned AGA is unable to make a submission. It would be required for the purpose of transparency that a dashboard is also built on the website of the Director General of Prisons and Correctional Services, giving all details related to parole, the number of applications filed, allowed, rejected, period, reasons for rejection, etc. While at this, it has also been noticed that all the applications for parole are made physically, that is by physical paper, by physical submission and physical follow-up. The family of a prisoner may not be resident within the jurisdiction where the prisoner is incarcerated. It would therefore for this and several other factors be required that the procedure for parole in Chapter 34 of the Manual of 2021 be e-enabled such that all



applications are filed electronically, processed electronically and the details thereof are also available electronically. The Director General of Police, (Police IT), is directed to submit a detailed project report in this regard within a period of four weeks. While doing so, the Director General of Police could also look at e-enabling the various other provisions of the Manual 2021 since there appears to be several dependencies between those provisions.

17. Coming back to the present case, the report which has been furnished through the District Superintendent Police being completely inadequate as indicated by supra and not making out any clear case, as to why parole should not be granted. The said report being perfunctory in nature, is rejected. The reasons for parole being permissible, the petitioner having undergone incarceration, for a period of two years, three months and twenty-one days, I pass the following:



ORDER

- i. The Writ Petition is ***allowed***.
- ii. Respondent No.2 - Chief Superintendent is directed to release Sri.Srinivasa (CTP No.01440) on parole for a period of 30 days commencing from 18.10.2025, subject to the following conditions.
 - a. The prisoner (CTP No.01440) 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.01440) would evade going back to the gaol, after the expiry of the period of general parole.
 - b. Respondent No.1 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.

- iii. The registry is directed to communicate the order to the prison authority for its immediate execution.
- iv. Respondent No.2 shall act on the operative portion of the order, without insisting on the entire order.
- v. Registrar (Judicial) is directed to inform the above order to Respondent No.4 by way of email.

**SD/-
(SURAJ GOVINDARAJ)
JUDGE**

PRS
List No.: 1 Sl No.: 1