

Narasamma vs State of Karnataka and Anr

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Court : Karnataka Orders

Decided On : Dec-20-2024

Judge : S.R.Krishna Kumar

Appeal No. : WP/203802/2024

Appellant : Narasamma

Respondent : State of Karnataka and Anr

Judgement :

-1- ! " # " \$ " % " & !"# \$ % & \$ ' Digitally signed \$ by SUMITRA SHERIGAR Location: HIGH COURT OF KARNATAKA ! \$!" \$ % & \$ \$ ' -
2- (& ' & ' & ') + & ' , , - \$ \$ \$ & , - \$ \$ \$ ' The petitioner is before this Court seeking a direction by issuance of a writ in the nature of mandamus to respondent No.2 to consider her request for grant of release of her son on -3- general parole for a period of 90 days, who is a life convict - CTP No.13162 in terms of the Prison Manual.

2. Heard learned counsel appearing for the petitioner and learned High Court Government Pleader appearing for respondents.

3. The brief facts are as follows: The petitioners son commits a crime which ends up in

his conviction in SPL .C(P) .No.348/2017. On the registration of a crime for the offences punishable under Sections 366 r/w 34 of IPC and Section 6 of POCSO, the petitioners son was convicted and sentenced to undergo imprisonment for 12 years.

4. The petitioners son continues to be in prison and

is now in prison for the last 5 years and 6 months. On all the aforesaid basis, the petitioner seeks parole on the ground that her son has been a convict for over 5 years and 6 months. The petitioner pleads that she is suffering from several ailments and desires that her son be with her. -4-

5. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

6. The aforementioned facts are not in dispute and

therefore, requires no reiteration. The petitioner now seeks parole only on the ground that she is suffering from ailment and wants her son to be in the family. Therefore, I deem it appropriate to grant the petitioners son general parole for a period of 30 days, which becomes operational from 23.12.2024 to 21.01.2025.

7. In view of the aforesaid reasons, I pass the following:

ORDER

(i) The Writ Petition is allowed-in-part.

(ii) Petitioners son - detenue (Buddesh) (CTP No.13162) is granted general parole for a period of 30 -5- days, which becomes operational from 23.12.2024 to 21.01.2025.

(iii) The convict (CTP No.13162) 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.13162) would evade going back to the

gaol, after the expiry of the period of general parole.

(iv) Respondent No.2 shall stipulate strict

conditions as are usually stipulated, to ensure return of the detainee to the gaol and that the convict shall not commit any other offence during the period of parole.

(v) Registry is directed to communicate this

order to respondent No.2, by way of electronic mail,

forthwith. -6-

(vi) The petitioner's son is at liberty to seek extension of general parole, which shall be considered looking at the conduct of the convict, while he is out on parole. '(% " & ./0 1\$, 2 1\$,

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