SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Naseem Unnisa vs State of Karnataka

Naseem Unnisa vs State of Karnataka

SooperKanoon Citation : sooperkanoon.com/1861908

Court : Karnataka

Decided On : Mar-14-2024

Judge : M.Nagaprasanna

Appeal No. : WP/2636/2024

Appellant : Naseem Unnisa

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF MARCH, 2024 BEFORE THE HON'BLE MR JUSTICE M.NAGAPRASANNA WRIT PETITION NO. 2636 OF 2024 (GM-POLICE) BETWEEN: NASEEM UNNISA W/O ABDUL AZEEZ M/O ABDUL WAHID (CTP NO.3391) AGED ABOUT 55 YEARS, R/O NO. 23RD WARD NEAR TIPPU NAGAR, RAMANAGARA KARNATAKA - 562 158. PETITIONER (BY SRI SIRAJUDDIN AHMED, ADVOCATE) AND:

Digitally signed 1. STATE OF KARNATAKAby NAGAVENI

COURT OF KARNATAKA BENGALURU - 560 001.

2. CHIEF SUPERINTENDENT CENTRAL PRISON, BELAGAVI - 581 108. RESPONDENTS (BY SRI C.S.PRADEEP, AAG A/W SRI K.P.YOGANNA, AGA) -2- THIS WRIT PETITION IS FILED UNDER ARTICLES 226

AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R1 AND 2 TO RELEASE THE PETITIONERS SON ABDUL WAHID (CTP NO.3391) MAY BE ENLARGED/RELEASED ON PAROLE FOR A PERIOD OF 90 DAYS TO MEET THE BASIC NECESSITIES AND CONJUGAL OBLIGATIONS WITH THE WIFE OF PRISONER AS WELL FOR THE MEDICAL TREATMENT OF THE PETITIONER MOTHER OF THE PRISONER.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING IN B GROUP, THIS DAY, THE COURT MADE THE FOLLOWING: The petitioner is before this Court seeking release of her son on general parole for a period of 90 days.

2. Heard Sri. Sirajuddin Ahmed, learned counsel

appearing for the petitioner, Sri. C.S. Pradeep, learned Additional Advocate General along with Sri.K.P.Yoganna, Additional Government Advocate appearing for the respondents and have perused the material on record.

3. The son of the petitioner gets embroiled in a crime which leads to his conviction in S.C.No.35 of 2015 for offence punishable under Sections 302, 120B, 506 r/w 149 of the IPC. -3-

4. As per the custody certificate, the convict is in

prison for the last 9 years. The petitioner is now seeking release of the convict for a period of 90 days on general parole on the ground of illness of the petitioner.

5. Since the conduct of the convict is found to be

satisfactory, as nothing adverse is recorded against him and in view of the situation of his ailing mother/petitioner herein, I deem it appropriate to grant the convict a general parole for a period of 30 days to be commencing from 18.03.2024, with certain conditions.

6. For the aforesaid reasons, the following:

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

(ii) Mandamus issues to the respondent No.2 to

consider the representation of the petitioner for release of the convict (CTP No.3391) on general parole for a period of 30 days, commencing from the forenoon of 18.03.2024, till the evening of 16.04.2024. -4-

(iii) The convict (CTP No.3391) shall mark his

attendance before the jurisdictional police station, weekly once, throughout the period of his general parole and it would be the responsibility of the jurisdictional police to take him back to gaol, in the event, the convict (CTP No. 3391) would evade going back to the gaol, after the expiry of the period of parole.

(iv) Respondent No.2 shall stipulate strict conditions as are usually stipulated, to ensure return of the convict to the gaol and that he shall not commit any other offence during the period of parole.

(v) The convict is at liberty to seek extension of parole, which shall be considered looking at the conduct of the convict while he is out on parole.

(vi) Registry is directed to communicate this order to respondent No.2, by way of electronic mail, forthwith. Sd/- JUDGE BKP/List No.: 1

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com