

(2025) 02 KAR CK 0897

In the Karnataka High Court, Dharwad Bench

Case No : Writ Petition No. 100608 Of 2025 (GM-POLICE)

Afiya Mulla D/O. Bashir Ahmed Mulla

APPELLANT

Vs

State Of Karnataka, Home Department & Ors.

RESPONDENT

Date of Decision : 19-02-2025

Acts Referred:

Negotiable Instruments Act, 1881 — Section 138
Code Of Criminal Procedure, 1973 — Section 313

Citation : (2025) 02 KAR CK 0897

Hon'ble Judges : Shivashankar Amarannavar, J

Bench : Single Bench

Advocate : Yathish Kumar, Tharanath Shetty

Final Decision : Allowed

Judgement

M. Nagaprasanna, J

1. The petitioner's husband viz: Manjurali (CTP No.4129) is convicted for the offence punishable under Section 320 of the Indian Penal Code, 1860 and sentenced to undergo life imprisonment. The petitioner asserts that her husband is in judicial custody since eight years.

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

3. The petitioner has filed this petition seeking for a direction to release her husband on parole stating that his sister is suffering from terminal disease, and her husband's support is required to provide further treatment to his ailing sister.

4. Given these circumstances, the reasons assigned seeking parole satisfies the grounds enumerated in Section 643 of Prison Act which deals with eligibility of emergency parole. Therefore, the petitioner has established a prima facie case for release of her husband on parole. Accordingly,

I pass the following:

ORDER

(1) The petition is allowed in part.

(2) Mandamus issues to the respondents to consider the case of the petitioner and release the detainee / Manjurali (CTP No.4129) on general parole for 45 days commencing from 21.02.2025, which becomes operational from the forenoon of 21.02.2025 subject to the following conditions:

(i) The convict (CTP No.4129) 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.4129) would evade going back to the gaol, after the expiry of the period of general parole.

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

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

(4) The registry is directed to communicate the order to the prison authority for its execution.