

(2026) 02 KAR CK 0785

In the Karnataka High Court, Principal Bench

Case No : Writ Petition No. 4613 Of 2026 (GM-POLICE)

Jayalakshmi

APPELLANT

Vs

Director General Of Police & Ors

RESPONDENT

Date of Decision : 17-02-2026

Acts Referred:

Indian Penal Code, 1860 — Section 376
Protection Of Children Sexual Offences Act, 2012 — Section 3, 4
Karnataka Prison (Amendment) Rules, 2000 — Rule 191

Citation : (2026) 02 KAR CK 0785

Hon'ble Judges : B M Shyam Prasad, J

Bench : Single Bench

Advocate : Prathap S S, B.Ravindranath

Final Decision : Allowed

Judgement

B M Shyam Prasad, J

The petitioner's husband [Mr. Puttaraju] is convicted for the offences punishable under Section 376 of IPC and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 [for short, 'the POCSO Act'], and he is sentenced to life imprisonment in Special Case No.80/2013. The petitioner's husband is in custody [including remission] for a period over 14 years. The petitioner seeks emergency parole because her mother-in-law has died on 08.02.2026 and the obsequies ceremony is scheduled to be held tomorrow [i.e. 18.02.2026].

Mr.Prathap S.S., the learned counsel for the petitioner, argues for emergency parole to the petitioner's husband relying upon these circumstances, and Mr. B.Ravindranath, the learned Additional Government Advocate, relying upon the provisions of Rule 191 of the Karnataka Prison (Amendment) Rules, 2000, [for short, 'the Rules of 2000'], contends that because the petitioner's husband is convicted for the offences under the POCSO Act, the second respondent is justified in insisting on releasing him on emergency parole but under adequate escort. In rejoinder, Mr. Prathap S S also submits that [a] if the petitioner's

husband is admitted to parole upon being escorted, the petitioner will have to pay costs of Rs.30,000/-, and [b] the petitioner's husband is admitted to parole earlier by this Court and the petitioner's husband has returned to prison without room for complaint.

These peculiar circumstances are considered to examine whether this Court must intervene. The amended Rule 191 of the Rules of 2000 vests power in the Superintendent of Jail to release a person who is convicted for the offence of rape to an emergency parole under adequate escort, and the provision reads that the Superintendent 'may' [as against 'shall'] release on parole under an escort. The question whether the Superintendent is under a mandate in law, notwithstanding all circumstances to admit a convict for the offence of rape to emergency parole under adequate escort, can be considered in appropriate case, but in the present case the petitioner makes a request to attend the obsequies ceremonies and the petitioner has been admitted to parole earlier. This Court is of the view that the petitioner has made out a case for intervention. Hence the following:

ORDER

[a] The petition is allowed and the second respondent is directed to release the petitioner's husband [Mr.Puttaraju] on Emergency Parole for a period of one week from 18.02.2026 and the second respondent shall insist on terms as required under the Karnataka Prisons and Correctional Services Manual 2021 and also that he shall mark his attendance with the jurisdictional police every day.

[b] The learned counsel for the petitioner is granted liberty to file a certified copy of this order with the second respondent [by email: cpblr.prisons-kar@gov.in] addressed to the Chief Superintendent, Central Prison, Parappana Agrahara, Bengaluru - 560 100.