

(2023) 07 KAR CK 0005

In the Karnataka High Court

Case No : Writ Petition No. 13764 Of 2023 (GM-POLICE)

Yusuf Sulaiman Khan

APPELLANT

Vs

State Of Karnataka & Others

RESPONDENT

Date of Decision : 07-07-2023

Acts Referred:

Indian Penal Code, 1860 — Section 34, 120B, 212, 224, 302, 307, 332, 353, 386, 387, 427

Arms Act, 1959 — Section 25, 25(1A), 143, 147, 148, 302

Maharashtra Control of Organised Crime Act, 1999 — Section 3(i), 3(ii), 3(2), 3(4)

Constitution Of India, 1949 — Article 226

Citation : (2023) 07 KAR CK 0005

Hon'ble Judges : K.S. Hemalekha, J

Bench : Single Bench

Advocate : Sirajuddin Ahmed, Navya Shekhar

Final Decision : Disposed Of

Judgement

K.S. Hemalekha, J

1. This petition is filed under Article 226 of the Constitution of India seeking parole for a period of 15 days starting from 06.07.2023 to the petitioner who is undergoing sentenced to undergo rigorous imprisonment for life under Sections 302, 307 of IPC and under Section 25(1A) of Arms Act concerned in S.C.No.26/2022 c/w S.C.No.662/2002 c/w 278/2003 and he is under trial in CC No.204/2014, CC No.1619/2020 in C.r.No.90/2020 under Sections 143, 147, 148, 302 and 25 of Arms Act, C.R.No.50/2021 under Section 3(i), 3(ii), 3(2), 3(4) of M COCA 1999, under Sections 386, 387, 120B of IPC and CC No.55902/2019 under Sections 353, 332, 427 of IPC and CC No.3433/2022 In Cr No.159/2022 under Sections 224, 353, 212 read with Section 34 of IPC at Annexure-A and the cases are pending consideration before the concerned Court.

2. Learned counsel for the petitioner would contend that the petitioner is in custody for the past 21 years and he seeks parole to attend the wedding of his

nephew, who is none other than his biological son, who was accorded custody to the petitioner's sister since the petitioner was in imprisonment. The said fact is evident at para No.4 of the petition which reads as under:

"4. The petitioner's nephew's marriage is fixed on 6-07-2023 08/07/2023 at Bangalore the presence of the petitioners is very much necessary as his nephew is none other than his biological son, who he and his wife had given to his sister to adopt and take care of. He and his wife has given his own son for her sister to take care as the petitioner was in jail. The wedding card is produced as Annexure C."

3. Perusal of para No.4 would evidence that the petitioner is the father of one Mohammed Mahin Khan and his marriage was scheduled on 06.07.2023 and Valima is scheduled to be held on 08.07.2023 i.e., Saturday and the petitioner being the father would be required to perform certain religious ceremonies associated with the marriage.

4. This Court has been informed by the learned High Court Government Pleader on instruction and on due verification, it has been found that the wedding of the nephew/son was scheduled on 06.07.2023 and Valima on 08.07.2023.

5. In view of the factual position and taking note of the fact that petitioner herein is the father of Mohammed Mahin Khan and that he has to perform certain religious ceremony, this petition for grant of parole needs to be hereby allowed for a period of two days and the petitioner is ordered to be released on 07.07.2023 to 09.07.2023, subject to the satisfaction of the jail Authority and on usual terms and conditions as may be imposed by the jail authority in such cases. The petitioner to be accompanied by the police.

6. The petitioner is directed to surrender before the jail authority on completion of the parole i.e., on 09.07.2023 at 5.00 p.m.

7. This order to be communicated to the jail authority forthwith.

Accordingly, the writ petition stands disposed of.