



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 5<sup>TH</sup> DAY OF DECEMBER, 2023**

**BEFORE**

**THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

**WRIT PETITION NO. 16482 OF 2023 (GM-POLICE)**

**BETWEEN:**

MUBEEN UNNISSA BEGUM

)

...PETITIONER

(BY SRI. SIRAJUDDIN AHMED, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
THROUGH PRINCIPAL SECRETARY,  
VIDHANA SOUDHA  
BENGALURU - 560 001.
2. CHIEF SUPERINTENDENT  
CENTRAL PRISON,  
BELAGAVI - 591 108.
3. THE LIFE CONVICTS RELEASE COMMITTEE  
REPRESENTED BY ITS  
CHAIRMAN AND PRINCIPAL SECRETARY,  
HOME DEPARTMENT  
VIDHANA SOUDHA  
BENGALURU - 560 001.





4. THE DIRECTOR GENERAL OF POLICE  
PRISONS AND CORRECTIONAL SERVICES  
SESHADRI ROAD  
BENGALURU – 560 001.

...RESPONDENTS

(BY SRI.C.S.PRADEEP, AAG A/W.  
SRI MANJUNATH K., HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE PETITIONER'S HUSBAND MAY BE ENLARGED/RELEASED PREMATURELY BASED NO THE PERIOD HE HAS UNDERGONE AND HIS CONDUCT IN JAIL AS WELL HIS PRESENT HEALTH STATUS BY THE R2.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

The petitioner is before this Court seeking a direction by issuance of a writ in the nature of *mandamus* to the respondents to premature release her husband, who is convict (CTP No.00892) and seeks parole for a period of 90 days.

2. Heard Sri Sirajuddin Ahmed, learned counsel for the petitioner and Sri C.S.Pradeep, learned Additional Advocate General for the respondents – State.

3. The husband of the petitioner gets convicted for offences under Sections 120B r/w. 121, 121A, 124A, 153A,



426, 437 of the IPC for sedition and Sections 3 and 5 of the Explosives Substances Act, 1908 r/w. Rule 5 and 9B of the Explosive Rules, 1984, along with several other accused, punishable with life imprisonment. The convict as on today, has undergone 23 years of imprisonment without remission and has not granted parole throughout 23 years. The wife of the convict is now before this Court seeking enlargement of her husband on parole on the score that she is suffering from ailments and therefore, pleads that the presence of her husband is very much required in the family as other family members are also aged and suffering from ailments.

4. Learned counsel for petitioner submits that a co-ordinate bench of this Court in W.P.No.5780/2023, disposed on 12.07.2023 has granted parole to the co-accused in the same case i.e., S.C.No.580/2003. The co-ordinate bench has held as follows:

*"The subject matter of this Writ Petition is substantially similar to the one in W.P.No. 8631/2023 between SRI. SHIVAPPA BELLAD vs SUPERINTENDENT OF OPEN AIR PRISON & OTHERS, disposed off by this Court on 22.05.2023, wherein furlough / Parole was granted to the litigant therein because of the ailments of the ageing mother, as is the case herein too.*



2. *Smt. Zulfi Sulthana, learned counsel appearing for the Petitioner's counsel on record argues that the Division Bench of this Court in W.A.Nos. 932-933/1974 between A.V.VINODA & ANOTHER Vs. STATE OF KARNATAKA BY ITS COMMISSIONER & SECRETARY disposed of on 11.12.1974, has held that the Court should treat the like-cases alike and if relief is granted to a litigant it needs to be extended to similarly circumstanced litigants as well, there being no derogatory circumstances.*

*In view of the above, the Writ Petition is allowed; the jail authorities are requested to grant Parole to Petitioner's son Mr. Ababs Ali, a life convict in \*(SC No.570/2003 c/w SC No.580/2003) for a period of two weeks subject to all usual conditions. Which two weeks parole is desired for, may be indicated by the Petitioner himself."*

In the light of the co-ordinate bench granting parole to the co-accused, I deem it appropriate to grant parole for a period of two weeks from 07.12.2023 to 20.12.2023.

5. For the aforesaid reasons, the following:

**ORDER**

- (i) The Writ Petition is allowed in part.
- (ii) *Mandamus* issues respondents 2 and 4 to consider the representation of the petitioner and release the detinue/Mohammed Akhil (CTP No.00892) on parole for two weeks, from the forenoon of 07.12.2023, till the evening of 20.12.2023.



- (iii) The respondents 2 and 4 shall stipulate strict conditions as are usually stipulated, to ensure return of the detinue to the gaol and that he shall not commit any other offence during the period of parole.
- (iv) Registry is directed to communicate this order to respondent Nos.2 and 4, by way of electronic mail, forthwith.
- (v) The petitioner is at liberty to seek extension of parole, which shall be considered looking at the conduct of the husband of the petitioner – the convict while he is out on parole.

**Sd/-  
JUDGE**