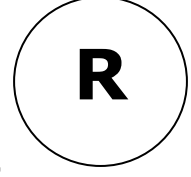




**IN THE HIGH COURT OF KARNATAKA,  
DHARWAD BENCH**



**DATED THIS THE 14<sup>TH</sup> DAY OF AUGUST 2025**

**BEFORE  
THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ**

**WRIT PETITION NO.101912 OF 2025 (GM-POLICE)**

**BETWEEN:**

CHOTTI BEE W/O. SYED RASOOL,  
MOTHER OF PRISONER SADDAM, CTP 4426,  
AGED ABOUT 62 YEARS,  
R/O: 7593, TAJ COLONY BASVAKALYAN,  
BIDAR, KARNATAKA – 585 327.

...PETITIONER

(BY SRI. SIRAJUDDIN AHMED, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA,  
HOME DEPARTMENT,  
THROUGH PRINCIPAL SECRETARY,  
VIDHANA SOUDHA, BENGALURU – 560 001.
2. CHIEF SUPERINTENDENT,  
CENTRAL PRISON,  
BELAGAVI – 591 108.

...RESPONDENTS

(BY SRI. SHARAD V. MAGADUM, AGA FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT(S), ORDER(S) OR DIRECTION(S) AND THEREBY; DIRECT THE RESPONDENT 2 TO RELEASE THE SON OF THE PETITIONER SADDAM CTP 4426 ON GENERAL PAROLE FOR A PERIOD OF 90 DAYS IN THE INTEREST OF JUSTICE AND ETC.,

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:





**ORAL ORDER**

(PER: THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. The petitioner is before this Court seeking for the following reliefs:

*Issue writ of mandamus or any other appropriate writ(s), order(s) or direction(s) and thereby;*

- A. *Direct the Respondent 2 to release the son of the petitioner SADDAM CTP 4426 on General parole for a period of 90 days in the Interest of Justice.*
- B. *Pass any other order(s) which this court may deem fit and proper under the facts and circumstances of the case, in the interest of justice.*

2. The petitioner's son Saddam, CTP No.4426, had been convicted by learned District and Sessions Judge, Bidar in S.C.No.324 of 2017, for the offence punishable under Section 302 of IPC and had been incarcerated from 17.02.2017 till date having undergone incarceration as a undertrial for a period of 6 years, 1 month, 14 days and the total term of imprisonment undergone is, 8 years, 14 days as of 03.03.2024. The petitioner had



made an application for the release of her son on parole for a period of 90 days on the basis of the petitioner's illness. The prison authorities had verified the application and recommended that the petitioner's son could be released on parole. However, the same was not acted upon on account of the police report which had been received and it is in that background that the petitioner is before this Court.

3. Learned Additional Government Advocate for the respondents-State submitted that a criminal appeal in Criminal Appeal No.200218/2023, is pending, where an application has been filed by the petitioner's son for suspension of sentence/bail, which has been objected to by the State, and orders are yet to be passed on the said application. On that ground, as also on the ground of the police report, he submits that the parole has not been granted in favour of the petitioner.



4. Heard Shri Sirajuddin Ahmed., learned counsel for the petitioner and Shri Sharad V.Magadum., learned Additional Government Advocate for respondent-State.
5. A perusal of the police report indicates that it is a mechanical report which has been submitted by the police without consideration of Chapter XXXIV of Sections 635, 636, 637, 638 and 644 of the Karnataka Prison Manual.
6. A perfunctory rejection has been made in terms of the police report, without considering the actual facts. This Court is coming across several of these reports, which are identically worded, without any application of the mind. The grant of parole is a valuable right of a convict, which would also be a right under Article 21 of the Constitution of India, and as such, it would be required for the concerned authorities to apply their mind in a proper manner and pass a reasoned order on a



case to case basis, rather than reproducing the same grounds in all the reports which are submitted. Goals are overcrowded by undertrial prisoners as well as convicts. One of the objectives of punishment is reformation; such reformation cannot be achieved if the convict is distanced from society. On release, the convict would also have to be integrated into society. It is for this reason that there is a requirement to apply the mind while considering an application for parole as per the well-laid-down principles in Chapter XXXIV of Sections 635, 636, 637, 638 and 644 of the Karnataka Prison Manual.

7. The Director General of Police is requested to look into the matter and instruct his officers appropriately, if necessary, to provide training to all the concerned officers as regards Chapter XXXIV of the Karnataka Prison Manual.



8. Insofar as the submission of the learned Additional Government Advocate for respondents-State that an application for suspension/bail is pending for consideration in the aforesaid criminal appeal, I am of the concerned opinion that, that application stands on a different footing and a different ground than an application for parole inasmuch as in the event of an application for suspension/bail is allowed, the convict/prisoner would be released during the pendency of the consideration of the appeal, whereas an application for parole is for a limited period, which is required to be considered in terms of Chapter XXXIV of the Karnataka Prison Manual.
9. In this particular case, the prison authorities, having recommended the release of the petitioner's son on parole, it is only on account of the mechanical police report that parole has been



denied to the petitioner's son. In that view of the matter, I pass the following:

**ORDER**

1. The writ petition is **partly allowed**.
2. Respondent No.2 is directed to release the petitioner's son, namely Saddam, CTP No.4426, on general parole for a period of 60 days in order to take care of his mother's illness from the date of receipt of certified copy of this order, subject to the following conditions.
  - a) The prisoner (CTP No.4426) 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.4426) would evade going back to the gaol, after the expiry of the period of general parole.
  - (b) Respondent No.2 shall stipulate strict conditions as are usually stipulated to



ensure return of the detenu to the gaol  
and that he shall not commit any other  
offence during then period of parole.

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

3. Liberty is granted to the petitioner to file further  
application for extension of parole if he satisfies  
the requirements in relation thereto.

**Sd/-**  
**(SURAJ GOVINDARAJ)**  
**JUDGE**

AM/-  
CT-ASC  
List No.: 1 Sl No.: 29