HC-KAR

NC: 2025:KHC-K:3619
WP No. 200962 of 2025

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF JULY, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO.200962 OF 2025 (GM-POLICE)

BETWEEN:

MALASHRI SIDDHAPPA VAGGI,
DAUGHTER OF SIDDHAPPA
SISTER OF: SHRISHAIL @ SIRASHYA CTP-744,
AGED ABOUT 23 YEARS,
R/AT: MADAN HIPPERGA, ALAND
GULBARGA, KARNATAKA-585236.

…PETITIONER

(BY SRI. SIRAJUDDIN AHMED, ADVOCATE)

AND:

Digitally signed by VARSHA N RASALKAR
Location: HIGH COURT OF KARNATAKA

1. STATE OF KARNATAKA
   HOME DEPARTMENT,
   THROUGH PRINCIPAL SECRETARY
   VIDHANA SOUDHA, BENGALURU - 560001.

2. CHIEF SUPERINTENDENT
   CENTRAL PRISON
   KALABURAGI-585201.

…RESPONDENTS

(BY SRI. MALLIKARJUN SAHUKAR, AGA)

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 A)

DIRECT THE RESPONDENT NO.2 TO RELEASE PETITIONER'S BROTHER SHRISHAIL @ SIRASHYA CTP-744 ON GENERAL PAROLE FOR A PERIOD OF 90 DAYS ACCORDING TO THE ANNEXURE-B, CITING THAT PETITIONER WHO IS THE SISTER OF CONVICT SUFFERING FROM LUMBER SPINE (LOWER BACK REGION OF BACK BONE). THE PRESENCE OF CONVICT IS ESSENTIAL TO PROVIDE MEDICAL CARE FOR EFFECTIVE TREATMENT AS WELL AS TO BARE MEDICAL EXPENSES.

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

CORAM: HON'BLE MR. JUSTICE M.I.ARUN

ORAL ORDER

(PER: HON'BLE MR. JUSTICE M.I.ARUN)

The writ petitioner in the instant writ petition has prayed for her brother to be released on parole, who is convicted for life.

2. Learned Additional Government Advocate, upon instructions, submits that the parole application is to be submitted as per the procedure required in law as per Section 55 of the Karnataka Prisons Act, 1963 and Rule 191 of the Karnataka Prisons Rules, 1974 R/w Rule 638 of the Karnataka Prisons and Correctional Services Manual,

2021 and in the instant case, the necessary application has not been made.

3. Learned counsel for the petitioner submits that the prisoner in the instant case is uneducated and though he wants to make the necessary application for parole, the authorities concerned are not co-operating, because of which, the petitioner is constrained to file the instant writ petition.

4. The law requires that application for parole has to be done in a particular manner and the prisoner seeking parole has to follow the same. The authorities concerned are also required to do their duty in right earnest and cannot harass the prisoner.

5. Hence, the following:

ORDER

i. Respondent No.2 shall forthwith make available Form No.9 as contemplated in law to the brother of the petitioner herein and upon the

prisoner submitting the necessary form, the same shall be processed in accordance with law and appropriate decision shall be taken by the authorities concerned as expeditiously as possible.

ii. Writ petition stands disposed of accordingly.

Sd/-
(M.I.ARUN)
JUDGE

VNR
List No.: 1 Sl No.: 29
CT:SI