
(2024) 12 KAR CK 0033

Karnataka High Court At Bengaluru

Case No: Writ Petition No. 31266 Of 2024 (GM-POLICE)

Madhu D.M

APPELLANT

Vs

State Of Karnataka By
Mudigere Police
Station,
Chikkamagaluru -
577550 & Ors.

RESPONDENT

Date of Decision: Dec. 31, 2024

Acts Referred:

Indian Penal Code, 1860 " Section 336, 342, 376(3)#Protection Of Children From Sexual Offences Act, 2012 " Section 4

Citation: (2024) 12 KAR CK 0033

Hon'ble Judges: Suraj Govindaraj, J

Bench: Single Bench

Advocate: Mahammadali, Mohammed Jaffar Shah

Final Decision: Allowed

Judgement

Suraj Govindaraj, J

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

i) Issue a writ of certiorari or a writ or order or direction appropriate in nature in quashing the Endorsement dated 09.07.2024 in

DCRB/Hassan/Parole/16/2024 as per Annexure-A as illegal, arbitrary and oppressive.

ii) To issue a writ of mandamus or a writ or direction of appropriate in nature directing the respondents to grant three months General

Parole to him, on such terms and conditions, and

iii) To issue a writ or order or direction appropriate in nature granting such other relief or reliefs as this Court deems fit, to grant in the ends of justice.

2. The petitioner had been convicted for offence under Sections 336 and 342 of IPC and Section 4 of POCSO Act read with Section 376(3) of IPC.

The petitioner had filed an application for Parole for three months on the ground that the petitioner is required to carry out agricultural work so as to

take care of the needs of his mother, wife and daughter who are unable to carry out agricultural work and eek out any livelihood. The petitioner's

request is rejected vide endorsement dated 09.07.2024. In this back ground, the petitioner is before this Court.

3. It is seen that the petitioner has served 04 years 01 month of imprisonment, during which time, there is no adverse remark against the petitioner. It

is not in dispute that there is no other male member in the family of the petitioner and that the aged mother, wife and minor daughter cannot take care

of themselves.

4. In that view, I pass the following:

ORDER

i) The petition is allowed

ii) A certiorari is issued and the Endorsement dated 09.07.2024 at Annexure-A is quashed.

iii) Respondent No.4 is directed to release the petitioner on parole for a period of 60 days from the date of receipt of a copy of this Order.

iv) The petitioner shall mark his attendance at the jurisdictional Police Station every 15 days and shall return to the Respondent No.4-Central Prison,

on completion of 60 days.

The Registrar (Judicial) is directed to communicate the above order by E-mail as also using faster application.