

IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 4TH DAY OF DECEMBER, 2021

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

WRIT PETITION NO.22184 OF 2021(GM-POLICE)

BETWEEN:

PANKAJ A PAREKH,
S/O ANANTRAJ L PAREKH,
AGED 61 YEARS,
CTP NO.12130,
CENTRAL PRISON,
PARAPPANA AGRAHARA PRISON,
BENGALURU - 560 100.

...PETITIONER

(BY SRI. RAHAMATHULLA KOTHWAL, ADVOCATE)

AND:

1. THE INSPECTOR GENERAL OF POLICE,
CENTRAL PRISON,
PARAPPANA AGRAHARA PRISON,
BENGALURU - 560 100.
2. THE CHIEF SUPERINTENDANT OF PRISON,
CENTRAL PRISON,
PARAPPANA AGRAHARA PRISON,
BENGALURU - 560 100.

... RESPONDENTS

(BY SRI. VINOD KUMAR M, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT AUTHORITIES TO CONSIDER THE REPRESENTATION OF THE PETITIONER VIDE ANNEX-E AND F TO EXTEND THE EMERGENCY PAROLE PERIOD FOR A PERIOD OF THREE WEEKS.

THIS PETITION COMING ON FOR ORDERS THIS DAY,
THE COURT MADE THE FOLLOWING:-

ORDER

Petitioner, a serving convict for the offence of forgery is knocking at the doors of Writ Court for a direction to the respondent – jail authorities to consider his representations both dated 30.11.2021 copies whereof are at Annexures E & F wherein he has sought for the Extension of Emergency Parole Period on the ground that he has developed some serious diseases & ailments, which merit medical treatment in a private hospital; in support of his claim, petitioner has produced certain Medical Certificates & Reports.

2. Learned AGA on request having accepted notice for the respondents, vehemently opposes the writ petition contending that the petitioner has already been granted parole twice, of course, on two different grounds and therefore, he cannot be granted extension any more. So contending, he seeks dismissal of the writ petition.

3. Having heard the learned counsel for the parties and having perused the petition papers, this Court is inclined to grant some reprieve to the petitioner as under and for the following reasons:

a) The offences for which the petitioner has been convicted are not grave in nature; twice the petitioner has been granted parole after verifying the credentials; he has not violated the parole conditions; now, whilst on parole, he has contracted certain ailments that are substantiated by the Medical Records/Certificates of the Government Hospital; after all, it is said "faith heals and not the medicine"; petitioner seeks to have medical treatment at the hands of doctors of his choice; had he contracted these ailments in the jail, perhaps, the jail authorities would have arranged for such medical treatment is true; when ailments are contracted when he is outside the gaol on parole, denying the services of doctors of his choice would not be just & reasonable.

b) There is lot of force in the submission of learned counsel for the petitioner that the period enjoyed by the convict on parole would be added the period of imprisonment and thus, he will not have the discount of jail term; in other words, while computing the period of imprisonment, the happy times spent by the parolee shall be excluded; this apart, petitioner undertakes before this Court that he would not seek parole/furlough again; a Writ Court cannot turn a blind eye to the human problems and

the convicts are no less the humans, merely because they are put behind the bars for serving the sentence and thereby purging the guilt.

In the above circumstances, the respondents are directed to extend the parole period of the petitioner by another ten days; the petitioner shall revert to the gaol in the afternoon of 15.12.2021., without fail and in any circumstance.

**Sd/-
JUDGE**

Bsv