

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF OCTOBER, 2021

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

**WRIT PETITION NO.18216 OF 2021 (GM-POLICE)**

**BETWEEN:**

SRI. RASHI KUMARA,  
S/O LATE THAMMAIAH,  
(CTP NO.8174) AGE 40 YEARS,  
(LODGED IN CENTRAL PRISON BENGALURU)  
PERMANENT RESIDENT OF  
KARKANAHALLI, BEMBALURU POST,  
SHANIVARASANTHE HOBLI,  
SOMAWARPETE TALUQA,  
KODAGU DISTRICT - 571 234.

...PETITIONER

(BY SRI. MONESH KUMAR K.B., ADVOCATE)

**AND:**

- 1 . THE DIRECTOR GENERAL OF POLICE  
PRISONS & CORRECTIONAL  
SERVICES NO.4, SHESHADRI ROAD,  
BENGALURU - 560 009.
- 2 . THE CHIEF SUPERINTENDENT  
CENTRAL PRISON,  
PARAPPANA AGRAHARA,  
BENGALURU - 560 100.

...RESPONDENTS

(BY SRI. VINOD KUMAR.M, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT IN THE NATURE OF A MANDAMUS TO THE RESPONDENT TO CONSIDER THE REPRESENTATION OF THE PETITIONER DTD 28.09.2021 VIDE ANNEX-L AND BE FURTHER PLEASED TO DIRECT THE RESPONDENTS TO EXTEND THE PAROLE OF THE PETITIONER FOR A FURTHER PERIOD OF 60 DAYS AS SOUGHT IN THE REPRESENTATION.

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

**ORDER**

Petitioner, being convicted for the offences punishable u/s 302,120B, 324, 341, 427 r/w 34 of the Indian Penal Code 1860, was convicted and sentenced to life imprisonment by the Learned 7th Addl. District & Sessions Judge, Bangalore Rural in S C No. 99/2007; petitioner who was serving the sentence was released on parole on 19.03.2021 in terms of Standing Orders of Respondent No.1-Director General of Police, Prisons & Correctional Services and by Respondent No.2-Chief Superintendent of Central Prison.

2. Petitioner was released on parole vide order dated 18.03.2021 for a period of 30 days w.e.f from 7.7.2021 to 06.08.2021; he got extension of the parole for the same period vide order dated 05.08.2021; similarly he secured second extension too vide order dated 31.08.2021 for another spell of 30 days which came to an end on 05.10.2021.

3. Petitioner has made a representation dated 28.09.2021 before Respondent 1 for extension of parole for another 60 days on the ground of COVID related health issues in support of which he has produced some feeble material; the same having not been considered, he is knocking at the doors of the Writ Court.

4. Learned AGA on request having accepted notice for the respondents opposed the Writ Petition contending that there is absolutely no case for the Petitioner to be paroled any further; he also points out that the extension of parole could defeat the very purpose of having the convicts to serve the sentence.

5. Having heard the parties and perused the petition papers, this court declines indulgence in the matter for the following grounds:

(a) It is a well settled principle of criminal jurisprudence that release of a convict on parole or furlough cannot be sought as a matter of right; a convict after undergoing the awarded punishment purges the guilt; the society and the victims of the offence have a strong

justifiable expectation that the offender should serve the full sentence; releasing the life convicts on parole or furlough intermittently offends the sense of Justice and that shakes the confidence of right thinking members of the public in the administration of Criminal Justice System; this is not a happy thing to happen in a civil society.

(b) The grant of intermittent parole or furlough apart from generating a sense of insecurity to the victims of the offence, would create an avoidable expectation (although not legitimate) amongst the inmates of the gaol; that may graduate to a kind of right to parole on the principle of parity which again is detrimental to the interest of civil society; after all, parole & furlough are in the nature of an apology to the conviction & sentence.

(c) The provisions of parole/furlough are structured on humanistic grounds for the reprieve of those lodged in gaols; the main purpose of releasing a convict on parole is to afford to him an opportunity to solve his personal and family problems and to enable him to maintain his links with the civil society; there may be cases of health grounds too; be that whatever, release on

parole/furlough cannot be claimed as a matter of right; repeated extension of parole has very many disadvantages to the administration of criminal justice system. Petitioner has already availed benefit of multiple paroles/extensions.

(d) The vehement submission of counsel for the petitioner that he has been suffering from COVID-19 disease and that he needs another extension of parole for his complete recovery cannot be sustained; learned AGA is more than justified in submitted that adequate facilities avail in the jails and other Govt. hospitals for the diseased convicts who have been serving the sentence; the jails are over crowded and therefore, case of the petitioner needs to be considered sympathetically, is too feeble a ground; no statistical data is produced for maintaining such a ground; even otherwise, in a populous society like ours, there may be some over-crowding in the jail that happens inevitably; however, that is no ground for not serving the sentence.

In the above circumstances, this Writ Petition being devoid of merits, is liable to be rejected and accordingly, it is, costs having been made easy; petitioner shall report back to the jail on or before 11.10.2021, 3.30 pm at the

latest, failing which, he shall be apprehended and driven to the jail.

Registry to send a copy of this judgment to the Somwarpet Police Station, for information & needful action.

**Sd/-  
JUDGE**

DS/GRD