



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 8TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 103978 OF 2026 (GM-POLICE)

BETWEEN:

SOUMYA W/O MANJUNATH HOGI,
WIFE OF CONVICT,
MANJUNATH S/O SHIVAPPA HOGI,
(CTP NO.4601),
AGED ABOUT 36 YEARS,
R/O. KUNKUR, TQ. KUNDAGOL,
DIST. DHARWAD-581 212.

... PETITIONER

(BY SRI. I.Y. PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
HOME DEPARTMENT,
THROUGH PRINCIPAL SECRETARY,
VIDHANA SOUDHA,
BENGALURU-560 001.
2. THE DIRECTOR GENERAL
PRISONS AND CORRECTIONAL DEPARTMENT,
NO.4, SHESHADRI ROAD,
GANDHINAGAR,
BENGALURU-560 009.
3. THE CHIEF SUPERINTENDENT,
CENTRAL PRISON, P.B. ROAD,
DHARWAD-580 008.



4. THE SUPERINTENDENT OF POLICE,
DHARWAD DISTRICT,
DIST. DHARWAD-580 008.
5. THE POLICE INSPECTOR,
KUNDGOL POLICE STATION,
KUNDGOL, DIST. DHARWAD-581 113.

... RESPONDENTS

(BY SRI. SHARAD V. MAGADUM, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT NATURE OF CERTIORARI AND QUASH THE IMPUGNED ORDER BEARING NO.DGPCSB/JDLC/SEC4/125/2026-JUDCL DATED 22-04-2026 PASSED BY THE RESPONDENT NO.2 I.E., VIDE ANNEXURE-H AND ETC.,

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

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

1. The petitioner in the captioned petition is aggrieved by the endorsement issued by the second respondent denying parole on the ground that there are numerous convicts who have been released on parole who have failed to revert back to the jail and citing security reason.



2. Heard learned counsel appearing for the petitioner and learned AGA appearing for the State. Perused the material placed on record.

3. The petitioner has approached this Court seeking grant of parole for her husband, namely, Manjunath, CTP No.4601 who stands convicted in Special SC/ST C.C. No.38 of 2012 for the offences punishable under Sections 342 and 302 of the Indian Penal Code. The convict has been sentenced to undergo life imprisonment and has, as on date, undergone incarceration for nearly nine years four months. Petitioner had applied for parole for her husband as she is unwell and to make arrangement of school fees for their daughter.

4. The records further disclose that on 3 prior occasions, the convict was enlarged on parole and had strictly adhered to all the conditions imposed by the competent authorities, without any allegation of misuse or breach.



5. At the outset, it is trite that parole is not to be construed as an act of benevolence or charity, but is an integral component of the reformatory theory of punishment. The jurisprudential underpinning of parole lies in affording the convict an opportunity to maintain familial and social ties, attend to pressing personal exigencies, and facilitate eventual reintegration into society. Viewed in this context, denial of parole cannot be founded on conjectures or vague apprehensions, but must be predicated upon cogent, substantial, and objective material indicating a real and proximate threat to public order or societal safety.

6. In the present case, a careful perusal of the impugned endorsement would reveal that the request for parole is not rejected on the ground of any adverse conduct of the convict or on the premise that his release would endanger society. On the contrary, the rejection appears to be premised on the subjective dissatisfaction with the reasons assigned in the application. This Court finds such an approach to be unsustainable. The material on record



does not disclose any adverse remarks against the conduct of the convict during incarceration, nor is there any report of untoward incidents either during his earlier release on parole or otherwise. The satisfactory conduct of the convict, coupled with the absence of any material indicating potential misuse, clearly tilts the balance in favour of granting parole.

7. Having regard to the totality of the circumstances and in the absence of any compelling reasons to deny the relief, this Court is of the considered view that the petitioner has made out a fit case for grant of general parole for a period of **Thirty** (30) days, subject to stringent conditions to ensure that the liberty granted is not abused.

ORDER

- (i) The writ petition is allowed;
- (ii) The respondents are directed to release the convict, Manjunath., bearing CTP No.4601,



on general parole for a period of **Thirty** (30) days from the date of his actual release;

- (iii) The endorsement issued by respondent No.2 vide Annexure-H stands set aside;
- (iv) The release of the detinue shall be subject to his furnishing an undertaking to the satisfaction of the competent authority that he shall maintain good conduct and shall not indulge in any unlawful activities during the period of parole;
- (v) The respondents are at liberty to impose stringent conditions, including but not limited to:
 - (a) directing the detinue to report before the jurisdictional police at periodic intervals;



- (b) restricting his movement as deemed necessary; and
- (c) ensuring that he does not, directly or indirectly, establish any contact with the victim or her family members;
- (vi) The detinue shall surrender before the jurisdictional prison authorities immediately upon expiry of the parole period, failing which appropriate action shall be initiated in accordance with law;
- (vii) Any violation of the conditions imposed shall entail immediate cancellation of parole;
- (viii) Liberty is reserved to the petitioner to seek extension of parole, if permissible in law;



- (ix) The Registry is directed to communicate this order forthwith, including by electronic mode, to the concerned prison authorities for immediate compliance.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

VNP
CT:BCK
LIST NO.: 1 SL NO.: 41