

# IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH DATED THIS THE 20<sup>TH</sup> DAY OF AUGUST 2025 BEFORE

## THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ WRIT PETITION NO. 105637 OF 2025 (GM-POLICE)

#### **BETWEEN:**

RENUKA MOTHER OF CONVICT NISHAK POOJARY ALIAS NISHAK (CTP -4602) AGE. 58 YEARS R/A DOOR NO.25-8-539 JEEPINAMOGARU VILLAGE 4<sup>TH</sup> CROSS ROAD, VALENCIA, GORIGUDDA MANGALORE-575002

...PETITIONER

(BY SMT. MEGHA RANI., ADVOCATE)

#### AND:

- THE STATE OF KARNATAKA
   HOME DEPARTMENT
   THROUGH PRINCIPAL SECRETARY
   VIDHANA SOUDHA
   BENGALURU-560001
- 2. THE CHIEF SUPERINTENDENT CENTRAL PRISION BELAGAVI

...RESPONDENTS

(BY SRI. SHARAD V. MAGADUM., AGA FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT NO.2 TO RELEASE THE PETITIONER S SON CONVICT NAMELY NISHAK POOJARY ALIAS NISHAK CTP-4602 ON GENERAL PAROLE FOR 90 DAYS, IN THE INTEREST OF JUSTICE AND ETC.





THIS WRIT PETITION, COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

### **ORAL ORDER**

(PER: THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

- Learned AGA accepts notice for respondents No.1 and 2.
- 2. The Petitioner is before this Court seeking for the following reliefs:
  - a. Direct the respondent No.2 to release the petitioner's son convict namely Nishak Poojary @ Mishak CTP-4602 on general parole for 90 days, in the interest of justice.
  - b. Pass any order(s) which this court may deem fit and proper under the facts and circumstances of the case, in the interest of justice.
- 3. The petitioner is the mother of the detenue -Nishak Poojary @ Nishak [CTP 4602] who had been convicted and sentenced to undergo imprisonment for life for offences under Section 302,109 120B, 143, 147, 148, 448, 506 and 149 of the IPC in S.C. No.80 of 2018. As on 7.07.2025, the said



detenue has undergone incarceration for a period of 6 years 9 months 9 days.

- 4. The mother of the petitioner had earlier approached this Court in Writ Petition No.107942 of 2024 for grant of parole to the aforesaid son, on account of certain medical ailments that she had for which she had to undergo certain medical treatment, this court considering the said application favorably, allowed the same on 14.02.2025 and permitted the petitioner to be released on parole for a period of 30 days. The petitioner is once again before this court seeking for grant of parole to the detenue on the ground that she is suffering from various medical ailments and there is requirement for surgical intervention.
- 5. Considering that the detenue has earlier been enlarged on parole and there is no complaint as against the detenue in respect thereof and upon completion of the period of parole, the detenue had surrendered himself to the Jail Authorities, I am of the considered opinion that it would be in the interest



of justice to release the detenue on parole for a further period of 30 days so as to cater to the medical requirements of his mother.

6. In that view of the matter, I pass the following:

#### **ORDER**

- i) The Writ Petition is allowed.
- ii) Respondent No.2-the Chief Superintendent of Central Prison, Belagavi, is directed to release the petitioner's son, being the convicted prisoner with CTP No.4602, on parole for a period of 30 days commencing from 22.08.2025, subject to the following conditions.
  - a) The prisoner (CTP No.4602) shall mark his attendance in the jurisdictional Police Station weekly once throughout the period of his parole and it would be the responsibility of the jurisdictional Police to take him to Jail, in the event the convict (CTP No.4602) would evade going back to the Jail, after the expiry of the period of general parole.
  - (b) Respondent No.1 shall stipulate strict conditions as are usually stipulated to ensure return of the detenu to the Jail and that he shall not commit any other offence during that period of parole.



iii) The registry is directed to communicate the order to the Prison Authorities for its immediate execution.

Sd/-(SURAJ GOVINDARAJ) JUDGE

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List No.: 4 SI No.: 1