

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL, 2022

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.6346 OF 2022 (GM-POLICE)

BETWEEN:

SRI. VASUDEVA @ VASU
S/O LATE KAVERAPPA
AGED ABOUT 37 YEARS
R/AT NO.212
BEHIND GANESHA TEMPLE
SIDDARTHA COLONY
MADIVALA, HOSUR ROAD
BENGALURU-560 068
NOW AT CENTRAL PRISON,
BENGALURU
AS CONVICTED PRISONER NO.10429

...PETITIONER

(BY SRI. SHILPA VANI, ADVOCATE)

AND:

1. THE JAIL SUPERINTENDENT
CENTRAL PRISON
PARAPPANA AGRAHARA
BENGALURU-560 100

2. STATE BY MADIVALA
POLICE STATION
BENGALURU-560 068

3. ASSISTANT COMMISSIONER
CCRB, BENGALURU-560 051

... RESPONDENTS

(BY SRI.VINDO KUMAR, AGA FOR RESPONDENT/STATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF CERTIORARI BY QUASHING THE ENDORSEMENT DATED 26.02.2022 ISSUED BY RESPONDENT NO.1 VIDE ANNEXURE-F AND ETC.

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

ORDER

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

- a. *To issue Writ of Certiorari by quashing the endorsement dated 26.02.2022 No.BCP/J3/540/2020-21 issued by Respondent No.1, (Annexure-F).*
- b. *Issue a writ of mandamus, directing the Respondent No.3, to consider the requisition made by the petitioner on 18.01.2022 and direct the respondent No.1 to release the petitioner on parole for the period of 15 days, based on the supported documents and as per this Hon'ble court order dated 26.08.2021 in WP No.15427/2021 vide Annexure-G.*
- c. *Pass any other suitable order or direction as this court deems fit to pass in the facts and circumstances of the case, in the interest of justice and equity.*

2. The reason for seeking for parole is as per the certificate issued by one Dr.Naveen.T.K. who is stated to be the Managing Director of Life Care Hospital. He has certified as under:

*"To Whom So Ever It May Concern
This is to certify Mr. Gowramma, aged 68 yrs/F is a patient with B/L knee Rheumatoid Osteoarthritis with*

osteoporosis from L1 - L4. She is bedridden with comorbid disabilities. Hence, she needs her son to come for monitory check in view of critical illness. Hence kindly consider 2-3 weeks for her son to attend.

3. The contention of the learned counsel for the petitioner is that in view of the said certificate which has been issued by Dr.Naveen.T.K., the petitioner is required to be granted parole so as to attend to his mother.
4. The learned Additional Government Advocate, however, objects to the same contending that the jurisdictional Police have submitted a report that there is a possibility of flight risk insofar as petitioner is concerned and therefore, he should not be granted parole.
5. The only reason why the parole is sought for is on the basis of the medical certificate which had been issued wherein it is contended that the mother of the petitioner suffers from Osteoarthritis and she is bedridden with comorbid disabilities. It is not

understood on what basis such a certificate has been issued. The doctor further goes on to say that the petitioner is required for monitoring his mother and that Osteoarthritis is a critical illness.

6. I am unable to accept the said certificate issued by Dr.Naveen.T.K. Hence, the petition stands dismissed.
7. The matter is referred to the Indian Medical Council. The Medical Council to conduct necessary enquiry as to how such a certificate has been issued by Dr. Naveen.T.K.
8. The Registrar (Judicial) is directed to send a copy of this order along with the certificate issued by Dr.Naveen.T.K. to the Indian Medical Council.

Sd/-
JUDGE

Prs*