



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 3973 OF 2026 (GM-POLICE)

BETWEEN:

MANJA @ MANJUNATHA
S/O SOMANNA @ SOMAPPA
AGED ABOUT 41 YEARS
R/AT BOOKAHALLI VILLAGE
K.R.PETE TALUK,
MANDYA DIST 571 426
PETITIONER WAS SERVING
SENTENCE IN CENTRAL PRISON,
BANGALORE CTP - 7565
PRESENTLY RELEASED ON PAROLE

...PETITIONER

(BY SRI. VISHWANATHA M S., ADVOCATE)

AND:

1. THE UNION OF INDIA
REP.BY THE UNDER SECRETARY
GOVERNMENT OF INDIA, JUDICIAL WING,
MINISTRY OF HOME AFFAIRS,
HALL NO.17, 2ND FLOOR,
MAJOR DHYAN CHAND
NATIONAL INDIA GATE
NEW DELHI 0110002
[CAUSE TITLE AMENDED VIDE COUR ORDER]
2. STATE OF KARNATAKA
BY ADDL.CHIEF SECRETARY
TO GOVERNMENT



HOME DEPARTMENT,
2ND FLOOR VIDHANA SOUDHA,
BENGALURU - 560 001.

3. THE LIFE CONVICTS RELEASE COMMITTEE
REP-BY ITS CHAIRMAN
AND PRINCIPAL SECRETARY
HOME DEPARTMENT,
VIDHANA SOUDHA
BENGALURU - 560 001.
4. DIRECTOR GENERAL OF POLICE
PRISONS AND CORRECTIONAL SERVICES
NO.4. SESHADRI ROAD BENGALURU-560 009
5. CHIEF SUPERINTENDENT CENTRAL PRISON
ELECTRONIC CITY POST
PARAPPANA AGRAHARA
BENGALURU - 560 100.

...RESPONDENTS

(BY SRI. SHANTHI BHUSHAN H., DSGI FOR R1;
SRI.VIKAS ROJIPURA, AGA FOR R2 TO R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
DIRECTION IN THE NATURE OF MANDAMUS TO THE
RESPONDENTS 1 TO CONSIDER THE RECOMMENDATION MADE
BY THE RESPONDENT NO.3 FOR PREMATURE RELEASE OF THE
PETITIONER AS STATED BY R-5 IN AANEXURE-F.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM



ORAL ORDER

The captioned petition is filed seeking a direction against respondent No.1 to consider the recommendation made by respondent No.3 for premature release of the petitioner. Alleging inaction on the part of respondent No.1 in not acting on the recommendation, the captioned petition is filed.

2. Learned Assistant Solicitor General, Sri. Shanthi Bhushan, appearing on behalf of the Union of India, at the outset raised a preliminary objection as to the maintainability of the petition on the ground that the competent authority has not been properly arrayed as a party respondent. He would submit that in the absence of the competent authority being impleaded, no effective direction can be issued by this Court. He further submits that the petitioner be relegated to submit a fresh representation before the competent authority and if such a representation is made, the same would be considered in accordance with law within a reasonable time.



3. Per contra, learned counsel appearing for the petitioner, taking this Court through the material on record, would contend that the petitioner's family members, who were also convicted on the very same set of allegations and charge sheet materials, have already been considered for premature release and the competent authority, acting upon the recommendation made by the concerned Committee, has concurred with such recommendation and granted the benefit of premature release.

4. Inviting the attention of this Court to the document produced at Annexure-G, learned counsel for the petitioner would vehemently contend that the case of the present petitioner stands on identical footing and is squarely covered by the principle of parity. He would submit that when similarly placed co-convicts, arising out of the same incident and based on identical evidence, have been granted premature release, denial of the said benefit to the petitioner would be arbitrary and violative of Article



14 of the Constitution of India. He further submits that the recommendation made by respondent No.3/Committee in favour of the petitioner also entitles him to seek a direction for consideration of his case for premature release.

5. This Court has given its anxious consideration to the rival submissions and perused the records. It is no doubt true that respondent No.1 has not been properly described in the cause title. However, during the course of hearing, learned counsel for the petitioner has carried out necessary amendment and rectified the defect by properly arraying respondent No.1 as the Union of India, represented by the Under Secretary, Government of India, Judicial Wing, Ministry of Home Affairs. In view of the said amendment and having regard to the fact that respondent No.1 is duly represented by the learned Assistant Solicitor General before this Court, the preliminary objection raised with regard to maintainability does not survive for consideration. Consequently, the contention that the



petitioner should be relegated to submit a fresh representation cannot be accepted in the facts and circumstances of the present case.

6. The records further reveal that respondent No.3/Committee has already made a recommendation in favour of the petitioner for premature release. In cases where the investigation is undertaken by a Central Agency, the ultimate decision-making authority vests with respondent No.1/Union of India. Therefore, it is incumbent upon respondent No.1 to examine the recommendation made by the Committee and take a decision in accordance with law. Once such a recommendation is made, the petitioner acquires a corresponding legal right to seek consideration of his case by the competent authority.

7. Having regard to the recommendation made by respondent No.3 and the undisputed fact that similarly placed co-convicts have already been granted premature release, this Court is of the considered opinion that the



ends of justice would be met by issuing appropriate directions to respondent No.1 to consider the case of the petitioner in a time-bound manner.

8. In the light of these observations, this Court proceeds to pass the following:

ORDER

(i) Petition is ***allowed***;

(ii) Respondent No.1 – Union of India, represented by the Under Secretary, Government of India, Judicial Wing, Ministry of Home Affairs, is directed to consider and examine the recommendation made by respondent No.3/Committee for premature release of the petitioner and pass appropriate orders, strictly in accordance with law, within a period of four (4) weeks from the date of receipt of a certified copy of this order;

(iii) In the interregnum, and having regard to the facts and circumstances of the case, the period of parole granted to the petitioner shall stand extended for a further period of eight (8)



weeks from today or until orders are passed by
respondent No.1, whichever is earlier;

(iv) Ordered accordingly.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

CA
List No.: 1 Sl No.: 65