



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 8755 OF 2026 (GM-POLICE)

BETWEEN:

1. SMT. GOWRAMMA
C/O GIRIGOWDA
AGED 58 YEARS
R/AT 5, 5TH CROSS, 1ST MAIN
KALYANI NAGAR, VASANTHPURA
BANGALORE-560061.

THE PETITIONER IS THE MOTHER OF
THE CONVICT PRISONER NO. 4467
SHANKARA
WHO IS SERVING LIFE SENTENCE IN
BENGALURU CENTRAL PRISON.

...PETITIONER



(BY SRI. PRADEEP PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY THE PRINCIPAL SECRETARY
HOME DEPARTMENT, VIDHANA SOUDHA
BENGALURU-560001.
2. THE LIFE CONVICTS
RELEASE COMMITTEE
HOME DEPARTMENT



VIDHANA SOUDHA
BENGALURU-560001
REPRESENTED BY ITS CHAIRMAN

3. THE DIRECTOR GENERAL OF POLICE
PRISONS AND CORRECTIONAL SERVICES
NO. 9, SHESHADRI ROAD
GANDHI NAGAR
BENGALURU-560009.
4. THE CHIEF SUPERINTENDENT
CENTRAL PRISON
PARAPPANA AGRAHARA
BENGALURU-560100.

...RESPONDENTS

(BY SRI. VIKAS ROJIPURA, AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO THE RESPONDENTS TO BE PLEASED TO ACT IN STRICT COMPLIANCE OF THE NOTIFICATION BEARING NO. HD 119 PRA 2018, BENGALURU, DATED 21.04.2020 PRODUCED AS ANNEXURE-A AND BE FURTHER PLEASED TO DIRECT THE RESPONDENTS TO CONSIDER THE CASE OF THE PRISONER NO. 4467 SHANKARA S/O GIRIYAPPA FOR PREMATURE RELEASE IN TERMS OF THE ANNEXURE-A.

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 writ petition is instituted by the mother of the convict, seeking issuance of a writ in the nature of mandamus directing the respondents to consider the case of her son, namely Shankara S/o Giryappa, for premature release in terms of the Government Order produced at Annexure-A. The grievance projected in the writ petition is that the respondents have failed to take steps for considering the case of the convict for premature release, thereby necessitating intervention of this Court.

2. Learned Additional Government Advocate, on instructions, would submit that the case of the convict has not been rejected or kept in abeyance, but is presently pending consideration before the Advisory Board constituted for examining cases relating to premature release of prisoners. It is further submitted that the said process is underway and a decision would be taken in accordance with law upon evaluation of all relevant factors



by the Advisory Board. Learned AGA would therefore contend that at this stage, no cause of action has arisen for the petitioner to invoke the extraordinary jurisdiction of this Court, and consequently, the writ petition is premature.

3. Having heard the learned counsel for the parties and upon perusal of the material on record, this Court is of the considered view that the petitioner has approached this Court at a premature stage. Admittedly, the case of the convict is seized of by the Advisory Board and is yet to culminate in a recommendation. Until such recommendation is made, the question of consideration by the State Government does not arise. It is trite that the right, if any, to seek consideration for premature release crystallizes only after the competent Advisory Board renders its recommendation. In the absence of such recommendation, the petitioner cannot assert any enforceable legal right so as to seek a writ of mandamus. Equally, the respondents cannot be said to be under any



legal obligation to consider or grant premature release independent of the statutory procedure that mandates prior consideration and recommendation by the Advisory Board.

4. In that view of the matter, this Court is of the opinion that no direction, as sought for, can be issued at this juncture. The writ petition is therefore disposed of, reserving liberty to the petitioner to work out her remedies, if so advised, after the Advisory Board takes a decision in the matter. The petitioner is directed to await the outcome of the proceedings pending before the Advisory Board. No costs.

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

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List No.: 1 Sl No.: 72