



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 200934 OF 2026 (GM-RES)

BETWEEN:

SMT. SHOBA
W/O RUDRAGOUDA D PATIL, @ R D PATIL,
AGE: 40 YEARS, OCC: HOUSEHOLD, R/O SONNA,
SOAN KALABURAGI – 585310.

...PETITIONER

(BY SRI. MANVENDRA REDDY.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY ITS SECRETARY, DEPARTMENT OF HOME,
VIDHANA SOUDHA, BANGALORE 560001
2. THE ADDITIONAL GENERAL OF POLICE
AND INSPECTOR GENERAL OF POLICE OF PRISON,
NO 4, SHESHADRI ROAD, BANGALORE 560009
3. THE CHIEF SUPERINTENDENT
CENTRAL PRISON, KALABURAGI 585308.
4. THE CHIEF SUPERINTENDENT
CENTRAL PRISON, MYSURU – 570001.

...RESPONDENTS

(BY SRI MALHARA RAO AAG A/W

SRI SESHADRI JAISHANKAR M, AGA)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, I) ISSUE A WRIT OF CERTIORARI QUASHING THE ORDER PERMITTING TRANSFER OF THE UNDER-TRIAL PRISONER R.D PATIL FROM CENTRAL PRISON KALABURAGI TO MYSURU PRISON BY THE PRL. DISTRICT AND SESSIONS JUDGE AT KALABURAGI DATED 27-01-2026 VIDE ANNEXURE-F II) ISSUE A WRIT OF MANDAMUS DIRECTING RESPONDENTS TO RE-TRANSFER THE UNDER TRIAL PRISONER BACK TO CENTRAL PRISON KALABURAGI, III) DIRECT AUTHORITIES TO ENSURE MEDICAL TREATMENT AND PRODUCTION BEFORE LOCAL COURTS, IV) GRANT ANY OTHER RELIEF DEEMED FIT.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

This writ petition is filed under Articles 226 and 227 of the Constitution of India seeking the following reliefs:

"I) Issue a writ of certiorari quashing the order permitting transfer of the under-trial prisoner R.D Patil from Central Prison Kalaburagi to Mysuru Prison by the Prl. District and Sessions Judge at Kalaburagi dated 27-01-2026 vide Annexure-F



II) Issue a writ of mandamus directing respondents to re-transfer the under trial prisoner back to central prison Kalaburagi,

III) Direct authorities to ensure medical treatment and production before local Courts,

IV) grant any other relief deemed fit"

2. Heard the learned counsel for the petitioner and learned Additional Advocate General on behalf of the respondents.

3. Petitioner, who is the wife of under trial prisoner R.D. Patil, who has been arrested and remanded to custody in Crime No.160/2023 registered By Ashoknagar Police Station, Kalaburagi, has approached this Court, assailing the order at Annexure-F dated 27.01.2026, passed by learned Principal District and Sessions Judge, Kalaburagi on the requisition submitted by the respondent No.3.

4. Learned counsel for the petitioner placing reliance on the judgment of the Co-ordinate Bench of this Court in the case of **Reeshan Thajuddin Sheikh v. The State of**



Karnataka and Ors. in ***WP No.24840/2025***, submits that since no opportunity of being heard was given to the petitioner prior to passing the order impugned, the same is liable to be set aside. He also submits that the learned Principal District and Sessions Judge, Kalaburagi has passed the impugned order without proper application of mind and without assigning any reasons. Accordingly, he prays allow the petition.

5. *Per contra*, learned Additional Advocate General has argued in support of impugned order. However, he does not dispute the fact that petitioner was not granted an opportunity of being heard before passing the impugned order.

6. Material on the record would go to show that the respondent No.3 had submitted a requisition to the learned Principal District and Sessions Judge, Kalaburagi on 24.01.2026 with a request to permit jail authorities to transfer the husband of the petitioner, i.e. aforesaid R. D. Patil, from Kalaburagi Central Jail to Mysore Central Jail.



Learned Principal District and Sessions Judge, Kalaburagi has made an endorsement on the said requisition on 27.01.2026 stating "permitted".

7. Undisputedly, the petitioner was not heard in the matter before the learned Principal District and Sessions Judge, Kalaburagi had permitted the respondent No.3 to transfer the petitioner from Kalaburagi Central Jail to Mysore Central Jail. The learned Principal District and Sessions Judge, Kalaburagi has not assigned any reasons for permitting the respondent No.3 to shift/transfer the under trial prisoner namely R.D. Patil from Kalaburagi Central Jail to Mysore Central Jail. In paragraph Nos.8 to 10 of the order passed by the Co-ordinate Bench of this Court in **WP No.24840/2025**, it is held as under:

"8. In the present case, it is not in dispute that the petitioner was never served with a copy of the requisition made by the Chief Superintendent of Central Prison, Bengaluru, nor was he given an opportunity to contest the grounds urged therein. The petitioner was thus denied his right to be heard



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before an order adversely affecting him was passed. This omission goes to the root of the matter, as the order impugned is not preceded by compliance with the principles of natural justice. Furthermore, the order passed by the learned Sessions Judge merely records the phrase "security reasons" as the ground for transfer. It neither discloses the nature of such security threat nor demonstrates an application of judicial mind to the materials placed by the prison authorities. Such a cryptic recital falls short of the standards required when fundamental rights under Article 21 are at stake.

9. An under-trial prisoner continues to enjoy all constitutional protections, save those which are necessarily curtailed by the fact of lawful custody. The right to life and personal liberty under Article 21 encompasses the right to fair procedure, humane treatment, and protection against arbitrary exercise of power. If the transfer of an under-trial prisoner is to be ordered, the Court must balance the security concerns projected by the authorities with the legitimate rights of the prisoner to education, rehabilitation, family visitation, and access to legal assistance. In the instant case, the order impugned does not reflect any such balancing exercise. Instead, it proceeds on a bare assertion of "security



reasons" without disclosing the factual basis for such conclusion.

10. This Court is therefore of the considered opinion that the learned Sessions Judge has failed to discharge the obligation of applying his mind fairly and objectively, and has also denied the petitioner an opportunity to be heard before effecting his transfer. The impugned order has thus resulted in serious prejudice to the petitioner, who as an under-trial prisoner retains his right to fair procedure. Accordingly, the order dated 05.08.2025 directing the transfer of the petitioner from Bengaluru Central Prison to Belagavi Central Prison is unsustainable in law. The petitioner is entitled to be re-transferred to Bengaluru central Prison."

8. Under the circumstances, I am of the opinion that the impugned order passed by the learned Principal District and Sessions Judge, Kalaburagi cannot be sustained. Accordingly, the following:



ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned order at Annexure-F, dated 27.01.2026 passed by learned Principal District and Sessions Judge, Kalaburagi permitting the respondent No.3 to shift/transfer the under-trial prisoner, R.D. Patil, who is the husband of the petitioner from Kalaburagi Central Jail to Mysore Central Jail stands quashed.
- iii. The respondents are directed to re-transfer the under trial prisoner i.e. aforesaid R. D. Patil, from Mysore Central Jail to Kalaburagi Central Jail forthwith. Liberty is however granted to the concerned authorities to take appropriate action for transfer of the under trial prisoner R.D. Patil from



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Kalaburagi Central Jail to any other Central
Jail in accordance with law.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

NJ
List No.: 1 Sl No.: 4