



CNR: KAHC010121372026

NC: 2026:KHC:41940
WP No. 5591 of 2026
C/W RP No. 156 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 5591 OF 2026 (GM-POLICE)

C/W

REVIEW PETITION NO. 156 OF 2026

IN WP No. 5591/2026

BETWEEN:

JABINA
W/O ABDUL RAZAQ,
SISTER OF WAZEER AHMED (CTP-3546)
AGED ABOUT 48 YEARS,
R/AT NO.4, FIRST FLOOR,
SHIVA REDDY LAYOUT,
NEAR KALAIRASAN HOUSE,
ADJUSTED TO DOCTOR LAYOUT,
NAGANATHAPURA, ELECTRONIC CITY P.O.
BENGALURU-560100.

...PETITIONER

(BY SRI. SIRAJUDDIN AHMED., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HOME,
VIDHANA SOUDHA,

Digitally
signed by
VANAMALA
N

Location:
HIGH
COURT OF
KARNATAKA



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BENGALURU-560001.

2. THE CHIEF SUPERINTENDENT
CENTRAL PRISON,
PARAPPANA AGRAHARA,
BENGALURU-560100.
3. THE DIRECTOR GENERAL OF POLICE,
AND INSPECTOR GENERAL OF POLICE,
KARNATAKA PRISON AND CORRECTIONAL
SERVICES, BENGALURU-560100.
4. THE ADVISORY BOARD,
REPRESENTED BY ITS CHAIRMAN,
KARNATAKA PRISON AND CORRECTIONAL
SERVICES, BENGALURU-560100.
5. THE LIFE CONVICTS RELEASE COMMITTEE,
REPRESENTED BY ITS CHAIRMAN, PRINCIPAL
SECRETARY, DEPARTMENT OF HOME,
BENGALURU-560001.

...RESPONDENTS

(BY SRI.V.G.BHANUPRAKASH., AAG A/W
SRI. BOPANNA B., AGA)

THIS W.P. IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO
DIRECT THE RESPONDENTS TO GRANT GENERAL
PAROLE TO THE CONVICT-PRISONER, WAZEER
AHAMED (CTP-3546), PRESENTLY LODGED AT THE
CENTRAL PRISON, PARAPPANA AGRAHARA,
BENGALURU, UNTIL HIS PREMATURE RELEASE IS
EFFECTUATED AS PER THE ORDER DATED 20.01.2026



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PASSED BY THIS HONBLE HIGH COURT IN W.P. NO.
35536/2025 ANNEXURE -B.

IN RP NO. 156/2026

BETWEEN:

1. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
DEPARTMENT OF HOME,
VIDHANA SOUDHA,
BENGALURU 560001.
2. THE CHIEF SUPERINTENDENT,
CENTRAL PRISON,
PARAPPANA AGRAHARA,
BENGALURU-560100.
3. THE DIRECTOR GENERAL AND
INSPECTOR GENERAL OF POLICE,
KARNATAKA PRISON AND
CORRECTIONAL SERVICES,
BENGALURU-560100.
4. THE ADVISORY BOARD,
REPRESENTED BY ITS CHAIRMAN,
KARNATAKA PRISON AND CORRECTIONAL
SERVICES, BENGALURU-560100.
5. THE LIFE CONVICTS RELEASE COMMITTEE,
REPRESENTED BY ITS CHAIRMAN, PRINCIPAL
SECRETARY, DEPARTMENT OF HOME,
BENGALURU-560 001.

...PETITIONERS

(BY SRI. V.G. BHANUPRAKASH., AAG A/W



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SRI. BOPANNA B., AGA)

AND:

JABINA,
W/O. ABDUL RAZAQ,
SISTER OF WAZEER AHAMED (CTP 3546),
AGED ABOUT 48 YEARS,
R/AT NO.4, FIRST FLOOR,
SHIVA REDDY LAYOUT,
NEAR KALAIRASAN HOUSE,
ADJUSTED TO DOCTOR LAYOUT,
NAGANATHAPURA, ELECTRONIC CITY P.O.
BENGALURU-560 100.

...RESPONDENT

THIS RP IS FILED UNDER SECTION 114 READ WITH
ORDER XLVII RULE 1 OF THE CODE OF CIVIL
PROCEDURE, 1908 PRAYING TO RECALL THE ORDER
DATED 20.01.2026 IN SO FAR AS DIRECTING THE
NOTWITHSTANDING THE ADVISORY BOARD'S
RECOMMENDATION TO PREMATURELY RELEASE THE
PETITIONER, IF HE IS GRANTED BAIL IN PENDING
PROCEEDINGS SC NO. 960/2022 (CR. NO.73/2021)

THESE PETITIONS, COMING ON FOR
PRELIMINARY HEARING IN 'B' GROUP, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD



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ORAL ORDER

This Court has allowed the Writ Petition in W.P.No.35536/2025 [GM-POLICE] on 20.01.2026 directing the respondents therein to prematurely release the petitioner's brother [Sri Wazeer Ahmed] if he is granted bail in the pending SC No.960/2022 arising out of Crime No.73/2021. This Court's direction is in the light of the following:

“This Court on 13.01.2026 has called upon Sri.B.Ravindranath, the learned Additional Government Advocate, to respond on why this Court must not consider permitting the benefit of premature release to the petitioner subject to the condition that he shall be so released only if he is admitted to bail in the aforesaid proceedings. Sri.B.Ravindranath submits, on instructions, that the Advisory Board's recommendation to reject the petitioner's application for premature release is only because of pending proceedings and this Court could direct the respondents to release the petitioner or to prematurely release the petitioner if he is admitted to bail in the pending proceedings.



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As it remains undisputed that the petitioner is qualified for the benefit of premature release but he has not been extended such benefit because of the pending proceedings, this Court is persuaded to accept the submission on behalf of the respondents and dispose of the petition.”

2. The State has filed the petition in R.P.No.156/2026 for review of this order, and the petitioner has filed the next petition in W.P.No.5591/2026 [GM-POLICE] for directions to the Chief Superintendent, Central Prison, Parappana Agrahara, Bengaluru to release the petitioner's brother in terms of this Court's order dated 20.01.2026 in W.P.No.35536/2025.

3. During the hearing of these two petitions, it is brought to this Court's notice that the Advisory Board is called upon to decide on the recommendations to prematurely release the petitioner's brother when these petitions are pending,



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and this Court, because this decision to place the request before the Advisory Board is during the pendency of these petitions and without bringing to this Court's notice, has opined that the concerned, who has decided to place the request before the Advising Board as afore, must place on record in writing the reasons therefor and the justification in law if there could be.

4. In response, the Superintendent of Prisons has filed an affidavit. This Court must observe that though the affidavit is elaborate on the circumstances of the case, on the request being placed before the Advisory Board, only the following is stated while asserting that the request was placed with the Advisory Board and the L.C.R. Committee for information:

"The premature release case of the Petitioner's brother was placed before the Advisory Board on 10.04.2026 and the note sheet placed before the advisory board



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indicates that this Hon'ble Court had vide order dated 20.01.2026 allowed the Writ Petition in part directing the premature release of the Petitioner's brother on his bail order being considered in S.C.No.960/2022."

The Superintendent of Prison has stated that this decision to place the request for premature release was without any *mala fides*. The explanation is accepted while observing that the concerned Officer will have to be more circumspect and observant of the Court proceedings and the decorum of the proceedings.

5. On the request for review of this Court's order, Sri V.G. Bhanuprakash, a learned Additional Advocate General, submits **[a]** that the State cannot dispute that the petitioner's brother has completed more than 18 years of incarceration including the time spent after conviction, **[b]** that as of the date the petitioner's brother is convicted, the Communication



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dated 26.07.1989 contained the guidelines to decide on the request for premature release, **[c]** that the request for premature release could be placed with the Advisory Board after completion of 13 years and 8 months in prison for premature release after 14 years of imprisonment; and **[d]** that in view of the Apex Court's decision, the guidelines that were in vogue as of the date of the conviction would be decisive.

6. However, Sri V.G. Bhanuprakash submits that this Court may consider that the Standard Operating Procedures **[SOP]** On The Process of Premature Release, Parole and Furlough of Prisoners, 2022 [*the SOP, 2022*] published under the aegis of National Legal Services Authority **[NALSA]** provides that the decision to release a convict prematurely must be tested on a case to case basis examining the concerned individual's conduct and whether there would be any chance of future commission of crime. The learned Additional Advocate General, on the



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proceeding pending against the petitioner's brother, refers to the charge sheet filed in S.C No.960/2022 and submits that the investigation material shows that the petitioner, even while in jail, has acted in concert with others to accost, wrongfully restrain and relieve the accosted of money. The learned Additional Advocate General submits that the trial is pending consideration and therefore this Court must review the decision.

7. Sri Sirajuddin Ahmed, the learned counsel for the petitioner, submits that the petitioner's brother is admitted to bail by this Court on 08.06.2022 in Criminal Petition No.1567/2022 and that this Court has observed that the allegation against the petitioner's brother must be tested in the trial, and the learned counsel argues that though the petitioner's brother had the benefit of the bail order as of the date of this Court's order in



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W.P.No.35536/2022, there was no consequential release certificate.

8. This Court has considered all these circumstances to examine whether this Court's order for directions to prematurely release the petitioner's brother must be reviewed. It is not in dispute that the crucial guidelines would be those guidelines that were in vogue as of the date of the conviction and that as of the date of the conviction of the petitioner's brother, the guidelines were in terms of the Communication dated 26.07.1989 which does not specifically mention about the pending proceedings being a reason to refuse a premature release. It is also not in dispute that in terms of the Apex Court's decision this must be the guideline to decide on the request for premature release of the petitioner's brother.



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9. Indeed, NALSA has evolved a procedure for premature release in terms of the SOP, 2022, which stipulates that future commission of a crime must also be considered while making the recommendation to the State for premature release, but it cannot be disputed that this was not cited as a reason specifically when the request for premature release was placed before the Advisory Board. In the peculiarities of this case, including the fact that this Court, while entertaining a petition in CrI.P.No.1567/2022 under Section 439 of Cr.P.C, has considered the nature of allegations against the petitioner's brother admitting him to bail, this Court is of the view that there is no error apparent.

10. As such, the review petition is rejected and the writ petition is allowed directing the Chief Superintendent of Prisons, Parappana Agrahara to ensure that the petitioner's brother is prematurely



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released in terms of this Court's order dated 20.01.2026 in W.P.No.35536/2025 [GM-POLICE]. It is needless to observe that this outcome will not in any manner prevent the authorities from requesting for just orders in the appropriate proceedings in the event the petitioner's brother violates any of the terms upon which he is admitted to bail by this Court in CrI.P. No.1567/2022.

Sd/-
(B M SHYAM PRASAD)
JUDGE

SA
Ct:sr