



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 31619 OF 2025 (GM-POLICE)

BETWEEN:

AMBARISH S KAPADIA
S/O SUNDARLAL
AGE ABOUT 72 YEARS
R/AT NO.9, ASHISH SUVARNA NAGAR
NORTH SOUTH ROAD
NO.5, JVPD SCHEME
MUMBAI - 400056

(PRESENTLY THE PETITIONER
IS IN CENTRAL PRISON
BANGALORE CTP NO.15022)

...PETITIONER

(BY SRI.MOHAMMED TAHIR, ADVOCATE)

AND:

Digitally signed by
NAGARAJA B M
Location: HIGH
COURT OF
KARNATAKA

1. STATE BY CBI
CBI KARNATAKA STATE HQ
GANGANAGAR
BENGALURU - 560032
2. CHIEF SUPERINTENDENT
CENTRAL PRISON
PARAPPANA AGRAHARA
ELECTRONIC CITY POST
BENGALURU - 560 100

...RESPONDENTS

(BY SRI.PRASANNA KUMAR P, ADVOCATE FOR R.1;
SRI.VIKAS ROJIPURA, AGA FOR R.2)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE APPROPRIATE WRIT TO R.1 TO CONSIDER THE GENRAL PAROLE APPLICATION SUBMITTED BY THE PETITIONER DATED 16.09.2025 AT ANNEXURE-C AND ETC.

THIS PETITION, COMING ON FOR DICTATING ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned petition is filed by the petitioner – detenue seeking grant of parole for a period of two months.

2. The petitioner is a convict who has undergone incarceration for about 14 years. It is not in dispute that the petitioner stands convicted in as many as six criminal cases, and one of the cases pertains to proceedings in Spl. CBI Case No.10/1994.

3. The records indicate that the petitioner had earlier approached this Court in Crl.P.No.4721/2020, wherein this Court, by order dated 30.11.2020, had set aside the



rejection of parole and directed the competent authority to reconsider the petitioner's representation in accordance with law within a stipulated period. It is, however, an admitted position that no positive direction granting parole was issued in the said proceedings.

4. The petitioner contends that the said order was not fructified since he was transferred to Ahmedabad Central Prison, Gujarat in connection with the CBI case and therefore, claims that he is entitled to parole now.

5. It is further contended that the petitioner submitted a fresh application on 16.09.2025 seeking general parole, which is stated to be pending consideration. The petitioner was subsequently transferred back to Central Prison, Bengaluru on 05.10.2025 and therefore, seeks a direction or consequential relief of grant of parole.



6. *Per-contra*, learned counsel appearing for the respondent No.1-CBI has filed statement of objections stoutly opposing the petition. It is contended:

(i) The earlier order passed in CrI.P. No.4721/2020 was only a remand for reconsideration and not a direction to grant parole;

(ii) The petitioner could not be considered at that point of time owing to his transfer to another State prison;

(iii) The petitioner is convicted in six cases, and therefore, is disentitled to seek parole in view of Rule 192(2)(1)(i) of the Karnataka Prison Rules, 1974;

(iv) Having regard to the nature of offences and antecedents, the petitioner does not merit discretionary relief.

7. The point that arises for consideration is:

Whether the petitioner has made out a case warranting grant of parole or issuance of directions in the nature sought?



8. This Court has carefully considered the rival submissions and perused the material on record.

Finding on the above point:-

9. At the outset, the contention of the petitioner that he is entitled to parole on the ground that the earlier order passed in CrI.P.No.4721/2020 was not implemented, cannot be accepted. A perusal of the said order clearly indicates that this Court had only set aside the rejection order and directed reconsideration of the representation. The order did not confer any vested or enforceable right to parole. Therefore, the petitioner cannot seek to convert a direction for consideration into a substantive right for release.

10. The Coordinate Bench had observed that the petitioner was not classified as a habitual offender despite multiple convictions, also does not advance the petitioner's case. The said observation was rendered in the context of procedural infirmity in the earlier rejection, and cannot be



construed as a binding finding mandating grant of parole. The said observation cannot eclipse the statutory scheme governing parole.

11. It is trite that parole is not a matter of right, but a discretionary privilege, regulated by statutory rules. The Hon'ble Apex Court in ***State of Haryana v. Mohinder Singh*** reported in ***(2000)3 SCC 394*** has held that grant of parole depends upon the overall assessment of the conduct, antecedents and surrounding circumstances of the convict.

12. In ***Asfaq v. State of Rajasthan*** reported in ***(2017) 15 SCC 55***, the Hon'ble Supreme Court has reiterated that while reformatory theory is relevant, the nature of offence and societal impact cannot be ignored while considering parole.

13. In the case on hand, the following factors weigh heavily against the petitioner:



(i) The petitioner stands convicted in six criminal cases, which by itself indicates a pattern of repeated criminality;

(ii) The offences, as borne out from records, involve serious allegations of economic offences such as cheating, forgery and misappropriation, which affect public confidence;

(iii) One of the cases is under the jurisdiction of the CBI, indicating the gravity and complexity of the offences;

(iv) The petitioner's antecedents do not inspire confidence so as to extend the benefit of temporary release;

(v) The statutory bar as contemplated under Rule 192(2)(1)(i) of the Karnataka Prison Rules, 1974, cannot be lightly brushed aside.

14. The contention that the petitioner has undergone 14 years of imprisonment, though a relevant factor,



cannot be viewed in isolation. Length of incarceration, by itself, does not entitle a convict to parole when weighed against antecedents and nature of offences.

15. This Court is also of the considered view that issuance of a direction to "consider" in the present case would be an empty formality, inasmuch as the statutory framework and the petitioner's antecedents clearly militate against grant of parole. The writ jurisdiction cannot be invoked to compel the authorities to undertake a futile exercise, particularly when the petitioner does not demonstrate any enforceable legal right.

16. In the considered opinion of this Court, the petitioner has failed to make out any case warranting interference. The multiplicity of convictions, nature of offences, and statutory restrictions clearly disentitle the petitioner from seeking parole. Accordingly, point formulated is answered in "**Negative**".



17. For the foregoing reasons, this Court proceeds to pass the following;

ORDER

- (i) The writ petition stands dismissed;
- (ii) The prayer seeking grant of parole for a period of two months is rejected.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE