



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)



SATURDAY, THE 22nd DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM
WRIT PETITION NO: 23830 OF 2026

Between:

Nidigunta Adilakshmi, W/o. N. Narasimhulu, Aged about 57 years, Occ
Housewife R/o. Pedda Padugupadu Village, Kovur Mandal, SPSR Nellore
District, Andhra Pradesh

...Petitioner

AND

1. The State Of Andhra Pradesh, Rep. by its Principal Secretary, Home
(Paroles and HRC) Department, Secretariat, Velagapudi, Amaravati, Andhra
Pradesh, 522503
2. The Director General of Prisons and Correctional Services, O/o. CNR
Paradise, NH5 Service Road, Tenali Fly Over Junction Mangalgiri, Guntur
DISTRICT, 522503
3. The Deputy Inspector General DIG of Prisons, Coastal Andhra Range,
Rajamahendravaram, 533107
4. The Superintendent, Visakhapatnam Central Prison, Andhra Pradesh,
530040

...Respondents

Petition under Article 226 of the Constitution of India praying that in the
circumstances stated in the affidavit filed therewith, the High Court may be
pleased to issue a writ or writs or order or orders one more particularly in the

nature of Writ of Mandamus to declare the action of the Respondent in not granting 30 days parole for the performance of marriage of the life Convict Prisoner No. 1435, Avileli Srikanth with the daughter of the Petitioner in pursuance of the Petitioner's application/representation dated 12.08.2026 as illegal, arbitrary and unconstitutional and consequentially direct the Respondent to release the life Convict Prisoner No. 1435, Avileli Srikanth on 30 days parole for attending his own marriage.

IA NO: 1 OF 2026

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to release the life Convict Hon'ble Prisoner No. 1435, Avileli Srikanth on 30 days parole for attending his own marriage and be pleased.

Counsel for the Petitioner: K VENKATA SUBBAIAH

Counsel for the Respondents: GP FOR HOME

The Court made the following order:

HON'BLE SMT. JUSTICE SUNITHA GANDHAM**WRIT PETITION NO: 23830 OF 2026****ORDER:**

This Writ Petition is filed to declare the action of the respondent in not granting 30 days parole for the performance of the marriage of the Life Convict Prisoner No.1435/Avilala Srikanth with the daughter of the petitioner, in pursuance of the petitioner's application/representation dated 12.08.2026 as illegal, arbitrary and unconstitutional and to direct the respondent to release the Life Convict Prisoner No.1435 Avilala Srikanth on 30 days parole for attending his own marriage.

2. Case of the petitioner is thus:

(a) One N.Aruna is her daughter and her first husband died in a Road Traffic Accident. Daughter of the petitioner and alleged Convict Prisoner No.1435 are loved each other and decided to marry and she has consented for their marriage. The convict prisoner was convicted and sentenced to Life imprisonment for the offences punishable under Sections 148, 302 read with 149 of the Indian Penal Code, 1860 by the learned District & Sessions Court, Nellore and both the appeals filed by the convict prisoner before this High Court and Hon'ble Supreme Court of India in CrI.A.No.1375 of 2009 and CrI.A.No.70 of 2020 respectively, were dismissed by confirming the conviction and sentence. The convict prisoner had completed nearly eleven (11) years of sentence and the petitioner is at her fag-end of her life and being mother, it is her responsibility to perform the marriage of her daughter. The convict

prisoner's mother is suffering from serious medical ailments and therefore, convict prisoner's father applied for 30 days parole to their son and though the Joint Secretary, Home Department initially rejected their caveat dated 16.07.2025, the Principal Secretary granted 30 days parole vide G.O.Rt.No.1267 dated 30.07.2025 under Rules 1(c) and 26 of the A.P. Suspension of Sentence of Parole Rules, 2024, however, within 8 days, the respondent No.1 cancelled the parole vide G.O.Rt.No.1326 dated 12.08.2025 on the vague ground of sensitive situation and the father of the convict prisoner has challenged the said action by filing Writ Petition No.22197 of 2025 and it is pending before this Court.

(b) Daughter of the petitioner was implicated in several cases. She contested in 2019 General Elections as an independent candidate and some political rival groups filed several false cases against the daughter of the petitioner and she was arrested in five criminal cases and during the course of her remand, the order of detention was passed for a period of twelve months and then, petitioner challenged the same by filing Writ Petition No.36538 of 2025 and the same is allowed. The daughter of the petitioner was in jail for about eleven months including the period of detention under Preventive Detention. The petitioner made an application dated 12.08.2026 to the respondent No.4 and respondent No.1 to grant 30 days parole to the convict prisoner and so far, respondent is not taken any decision. Parole Rules, 2025 vide G.O.Ms.No.4 Governs sphere regarding grant of parole of convict

prisoners and though as per the procedure, she had submitted representation, it is not considered.

(c) Finally, as per Hindu rites and customs, the date of marriage depends upon the birth stars of bride and bridegroom and as such, purohit has fixed the muhurtham for the marriage at 11.28 am on 23.08.2026.

3. Learned Assistant Government Pleader for Home filed written instructions, denying for grant of parole, wherein, *inter alia* contended as follows:

(a) The convict prisoner is sentenced to suffer life imprisonment of the offence under Section 302 of IPC in S.C.No.273 of 2007. Previously, he has escaped from Central Prison, Nellore and surrendered after 1736 days, accordingly, he was charged of the offence under Section 224 IPC in C.C.No.55 of 2019 and at the culmination of trial, he is sentenced to suffer imprisonment for one year and for security reasons, the convict prisoner was transferred to the Central Prison, Visakhapatnam vide Memo No.Rc-3/321/2025 dated 21.08.2025. Having granted parole for 30 days on 04.08.2025, in view of G.O.Ms.No.4 dated 06.01.2025, the same is cancelled. He was also released on 14 days furlough on 23.05.2023, 27.08.2024 and was released on parole for 30 days vide order dated 22.01.2024. The convict prisoner has nine (9) punishments for his conduct within the premises of the jail.

4. Due to urgency, petitioner moved house motion on 21.08.2026. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home on 21.08.2026.
5. Perused the material available on record including the written instructions filed by the learned Assistant Government Pleader.
6. It is not in dispute that the convict prisoner is undergoing sentence of life imprisonment of the offence under Section 302 IPC, both the appeals filed by him before the High Court in Crl.A.No.1379 of 2010 and Crl.A.No.70 of 2020 before the Hon'ble Supreme Court, are dismissed by confirming the sentence and so far, he has completed nearly 11 years of sentence. In the year 2014, he has escaped from Semi Open Prison, Nellore and surrendered after 1736 days and in that regard, a case in Crime No.46 of 2014 was registered of the offence under Section 224 of IPC and in that case also he was sentenced to suffer simple imprisonment for a period of one year. Further, as per the order dated 12.12.2018, he was denied of granting parole and furlough for a period of four years and the said period is completed by 2022. Further, prison authorities denied interviews, telephone facilities on two occasions, gave medical counseling on two occasions and formal warning on one occasion in the years 2019, 2022, 2023 and 2025.
7. Learned counsel for the petitioner initially would argue that right to marry is a fundamental right under Article 21 of the Constitution of India and prison systems core philosophy is rehabilitation and reformation, and allowing

the prisoner to marry assists in their eventual social reintegration without compromising prison discipline is integral facet of fundamental right and the Hon'ble Supreme Court of United States upheld the constitutional right of prisoners marriage in **Turner v. Safley**¹. Further, even after first incident which was occurred in the year 2014 also, the Government granted parole on three occasions and on the last occasion only, immediately after eight days of granting parole, it is cancelled without assigning any reason and to that effect, father of the convict prisoner has filed Writ Petition and the same is pending before this Court. Learned counsel further would argue that this Court is having inherent powers to grant parole though there are certain conditions in G.O.Ms.No.4 issued by the Government of Andhra Pradesh and right of the convict prisoner and the proposed bride shall not be curtailed.

8. Per contra, learned Assistant Government Pleader for Home vehemently argued that the convict prisoner is not at all eligible to grant parole in view of his previous conduct and several prison punishments are imposed against him and even as per Rule 20 and 23 of G.O.Ms.No.4, parole shall not be granted to the convict prisoner and if parole is granted to the convict prisoner, there are every possibilities to abscond and involve in grave offences and further, the bride also involved in criminal cases and as such, it is not safe to grant parole to the convict prisoner and further, the convict prisoner is involved in the following cases:

¹ 482 US. 78, 107 SXCT. 2254 (1987)

1. Cr.No.04/05 in SC No.175/06 u/S 307, 324 r/w IPC and it is pending before the District Court, Nellore.
2. Cr.No.113/03 of No.4 Town PS, Nellore in CC No.594/03 u/S 324 r/w 34 IPC is ended in compromise in Lok-Adalat dated 28.08.06.
3. Cr.No.74/97 of No.5 Town PS, Nellore u/s 324 r/w 34 IPC and it is ended in acquittal.
4. Cr.No. 120/97 of No. 5 Town PS, Nellore u/s 143, 147, 324, 307-r/w 149-IPC and it is pending for trial.
5. Cr.No. 131/98 of No.5 Town PS, Nellore u/s 107 Cr P C.
6. Cr.No.53/01 of No. 2 Town PS, Gudur u/s 352, 506 r/w 34 IPC and it is pending vide CC No.32/02.
7. Cr.No.46/2014 of 4th Town PS, Nellore u/s 224 IPC and sentenced to suffer simple imprisonment for a period of one year.

9. Next argument of the learned counsel for the petitioner is that, both the convict prisoner and bride are Hindus and as per the auspicious dates and as per their Birth Stars, marriage date and time are fixed to be solemnized at 11.28 am on 23.08.2026 at Kodandaramaswamy Devasthanam, Gudur Town, Tirupati District and learned counsel for the petitioner finally submitted that convict prisoner may be sent along with full escort to the Temple of Sri Varaha Lakshmi Narasimha Swamy Temple, Simhachalam and the petitioner is ready to perform the marriage of convict prisoner with her daughter N.Aruna even in that Temple and for which, only 6 hours permission with full escort may be given or else, at least direct the Superintendent, Central Prison, Visakhapatnam, to permit the petitioner to perform the marriage of convict prisoner with her daughter within the Central Jail premises, wherever it is possible to protect the fundamental right of the convict prisoner.

10. Learned Assistant Government Pleader for Home submitted that for giving six hours permission with escort by sending the convict prisoner to the said temple also cannot be granted in view of previous conduct and behavior of the convict prisoner and there are every chances of possibilities to abscond and further, due to high security reasons and since rules do not permit, it is not possible to solemnize marriage within the premises of Central Prison, Visakhapatnam and further, if permission is given for marriage, without any delay either the convict prisoner or the proposed bride Aruna would come with application seeking permission to have conjugal life on the ground that the wife of the prisoner should not be deprived of her right to have progeny.

11. Since several contentions in respect of rights of the parties, prison rules, possibilities regarding performance of marriage and other allied aspects are raised by both the learned counsel, informed to them on yesterday at 8.00 p.m. that the orders would be pronounced today i.e., on 22.08.2026 at 10.00 a.m. due to paucity of time, to answer all the multiple issues.

12. With respect to the fundamental rights of the prisoner, it is apposite to mention that in ***D. Bhuvan Mohan Patnaik & Ors. v. State of Andhra Pradesh & Ors***², Hon'ble Apex Court declared that convicts cannot be denied protection of fundamental rights which otherwise possess merely because of their conviction and further, in ***Sunil Batra (II) v. Delhi Administration (UT of Delhi)***, Hon'ble Apex Court held that if a person commits any crime it does not

² AIR 1974 SC 2092

mean that by committing crime, he ceases to be a human being and that he could be deprived of all those aspects of life which constitute human dignity and for a prisoner all fundamental rights are enforceable reality, though restricted by the fact of imprisonment. So, as rightly argued by the learned counsel for the petitioner, the prisoner has fundamental rights guaranteed under the constitution.

13. In respect of the right of the petitioner to marry, as per Rule 1 (c) of the suspension of sentence on Parole Rules, 2024, for release on parole for the marriage of member of the prisoner's family or near relative or for any other sufficient cause and it does not expressly recognize prisoner's marriage as an independent ground. In this regard, learned Assistant Government Pleader relied upon the Judgments in **Asfaq v. State of Rajasthan**³ and having considered the objections raised by the Government in respect of the conduct and behavior of the convict prisoner, refused to grant parole and having recognized the prisoner's own marriage as a ground for considering parole, emphasizes to consider the following aspects while considering the request of the convict prisoner to grant parole: (i) conduct during incarceration; (ii) whether the prisoner displays a tendency to reform; (iii) possibility of maintaining peace; (iv) possibility of committing offences or creating law and order problems and (v) whether temporary release would pose a danger.

³ (2017) 15 SCC 55

14. Further, in *Rajiv alias Raja v. State of Punjab*⁴, parole for the convict's own marriage was refused principally on account of his previous escapes from police custody.

15. In *Home Secretary (Prison) v. H. Nilofer Nisha*⁵, the Hon'ble Apex Court held that, parole is not a vested right, it is a privilege available on satisfying the prescribed conditions and the discretion belongs primarily to the authority designated by the rules and further, the Court does not ordinarily exercise the statutory power itself and judicial review is available where the authority acts contrary to the Rules, arbitrary or without application of mind.

16. Coming to the facts of the case at hand, as rightly argued by the learned counsel for the petitioner, prisoner has right to marry, however, subject to prison rules, conduct and behavior of the convict prisoner. In so far as right of the convict prisoner to marry under Article 21 versus right to parole, the legal distinction should be kept clear and they are: (i) a prisoner does not lose every fundamental rights; (ii) the right to choose a spouse and marry is an aspect of personal liberty and dignity; (iii) but the right to marry does not automatically include a right to leave prison for marriage; and (v) the manner of exercising that right can be restricted by lawful incarceration, prison discipline, security concerns and statutory parole rules.

⁴ CRWP No.1330 of 2016, decided on 26.10.2016,

⁵ (2020) 14 SCC 161

17. As seen from the written instructions filed by the learned Assistant Government Pleader, on 26.08.2025 also, convict prisoner was awarded with punishment of stoppage of interviews and telephone facilities for a period of three months as per Letter No.CPN/Jr(mg)/Rc-2/5955/2025, dated 26.08.2025 of the Superintendent of Jails, Central Prison, Nellore and as per Rule 20(iii) of G.O.Ms.No.4, in case any prisoner is inflicted with any prison punishment, he shall be eligible for applying for his next release on parole, after lapse of two years from the date of expiry of the punishment period. So, the currency of the period of that punishment is not completed as per Rule 20 sub rule (iii) of G.O.Ms.No.4.

18. Further, previously he was escaped on 12.02.2014 at 5.30 P.M from the outer prison premises at old Central Prison, Mulapet, Nellore and for which, a crime is registered and he is convicted in that case and sentenced to suffer a simple imprisonment for a period of one year and after four years, he was surrendered back to the Central Prison, Nellore. As rightly argued by the learned counsel for the petitioner, after issuance of this G.O.Ms.No.4, convict prisoner has not absconded from the prison and he was absconded in the year 2014, however, on 15.11.2018 also, two times medical counselings are given to the convict prisoner on 25.01.2023, awarded punishment of formal warning on 27.02.2022 and due to security reasons, he was transferred from Central Prison, Nellore to Central Prison, Visakhapatnam vide order dated 21.08.2025 and as per Rule 20(iii) of G.O.Ms.No.4, any prisoner who is

imposed with any prison punishment is not eligible for applying for his next release on parole till completion of two years.

19. It is apposite to mention that this is not the first time of the fixing marriage time and date. As seen from the material papers, previously also fixed auspicious movement on the early morning of 13.08.2025 at 3.28 a.m. to solemnize the marriage of the convict prisoner with the daughter of the petitioner. On the second occasion also, without obtaining prior permission petitioner fixed marriage time and date to solemnize the marriage in Golagamudi village of Nellore district.

20. To consider the request regarding possibility of permitting the marriage inside central prison, the aspects regarding security arrangements, entry of the proposed bride, relatives and priest, performance of rituals and consent of the prison authorities have to be taken into consideration. Further, neither the Andhra Pradesh Parole Rules nor the material placed before the Court creates a right to use a high-security Central Prison as a venue for a private marriage ceremony. In **G. Bhargava, President, Gareeb Guide v. State of Andhra Pradesh**⁶, erstwhile High Court of Andhra Pradesh declined to direct the creation of conjugal facilities inside prisons, holding that such arrangements fall within the policy domain of the State. In **Meharaj v. State**⁷, the Larger Bench of Madras High Court held that a convict cannot claim conjugal relations as

⁶ PIL 251 dated 16.07.2012

⁷ 2022 SCC OnLine Mad 381

a matter of course and that the exercise of such rights remains subject to exceptional circumstances and the governing prison rules. In **Jasvir Singh v. State of Punjab**⁸, it was expressly recognized that prisoners' marital and procreative rights are not absolute and remain subject to reasonable restrictions, security concerns, penological interests and a policy framed by the State. A high-security Central Prison cannot be equated with an open-air camp, especially where the convict has previously escaped and repeatedly violated prison discipline. The right to marry does not confer an unconditional right either to release on parole or to convert a Central Prison into a marriage venue.

21. To sum up, in the given facts and circumstances and having given thoughtful consideration to the aforementioned principles, this court is of the considered view that this Court has to protect both the individual and institutional interest by striking balance between the rights of the convict prisoner and existing circumstances and rules regarding parole. Taking into consideration of the fact that the petitioner being an accused in several cases, as per the list furnished by the learned Assistant Government Pleader, coupled with the facts of escape from the prison in the year 2014, prolonged abscondence, repeated prison punishments, existing prison punishment to claim grant of parole vide Rule 20(iii) of G.O.Ms.No.4, he is not entitled to grant thirty days or any fewer days parole or at least to direct the prison

⁸ 2015 Cri LJ 2282

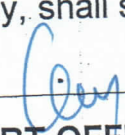
authorities to send him with escort to Sri Varaha Lakshmi Narasimha Swamy Temple, Simhachalam, Visakhapatnam to marry the daughter of the petitioner. Further, in the absence of an enabling provision and lack of administrative consent or security assessment, there is no possibility of permitting the marriage to be performed inside the prison in the present case.

22. It is needless to say that unless the remission is given to the convict prisoner, he is supposed to remain in jail during his life as he is life convict and that after some time, life convict can renew his request for parole in case of change of prevailing atmosphere and after completion of two years period as per Rule 20 (iii) of G.O.Ms.No.4 and if his conduct in the jail is recorded as satisfactory

23. For the foregoing reasons, this Court is of the considered view that the petitioner failed to establish any illegality, arbitrariness or violation of Articles 14 and 21 and as such, the writ petition is liable to be dismissed.

24. In the result, this Writ Petition is dismissed. There shall be no order as to costs.

As a sequel thereto, pending miscellaneous petitions, if any, shall stand closed.


COURT OFFICER

//TRUE COPY//

To,

1. One CC to SRI. K VENKATA SUBBAIAH Advocate [OPUC]
2. Two CCs to GP FOR HOME, High Court of Andhra Pradesh [OUT]
3. Two CD Copies

HIGH COURT

DATED:22/08/2026

ORDER

WP NO. 23830 OF 2026

**DISMISSING THE WRIT
PETITION WITHOUT COSTS**

