

IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL WRIT PETITION NO.52 OF 2017.

Mr. Rupesh Salgaonkar,

Prisoner No.292/2016

Major of age,

c/o Mr. Kamlakant B. Naik,

Presently lodged at Central Jail,

Colvale,

Bardez, Goa.

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Petitioner.

Versus

1. State of Goa,
through the Chief Secretary,
Govt. of Goa,
Secretariat, Porvorim, Goa.

2. Inspector General of Prisons,
1st Floor, Old Education
Building
Panaji Goa.

3 The Superintendent,
Central Jail, Central Jail,
Colvale, Bardez, Goa.

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Respondents.

Ms. Dolorosa Chiquita, Advocate for the petitioner.

Mr. S. R. Rivankar, Public Prosecutor for the respondents.

**CORAM :- ANOOP V. MOHTA &
NUTAN D. SARDESSAI, JJ**

DATE : 22nd March, 2017.

ORAL JUDGMENT (Per Nutan D. Sardessai, J.

Rule. Rule made returnable forthwith. The learned Public

Prosecutor waives service for the respondents. Heard finally by consent of the parties.

2. Ms. Chiquita, learned Counsel for the petitioner contended that the reason given by the respondent no.2 for rejecting the grant of furlough was both unreasonable and unjustifiable and that the petitioner was entitled to the grant of furlough in his favour.

3. Shri S. R. Rivankar, learned Public Prosecutor fairly conceded that the ground adopted by the respondent no.2 to reject the furlough was not justifiable and therefore necessary order could be passed granting furlough in favour of the petitioner. Considering the fact that the petitioner has been undergoing the sentence of imprisonment since the time of his conviction from 22/02/2016 and in custody from the date of his arrest on 23/01/2013 and besides also giving weightage to the fact that there was no denial of his assertion that his conduct and behavior was good, we find it appropriate that the ground urged on behalf of the respondent no.2 to deny the benefit of furlough to the petitioner is both unreasonable and unjustifiable. In the circumstances we pass the following

O R D E R

1. The petition is allowed.
2. We direct the respondent no.2 to consider the application of the petitioner for his release on furlough expeditiously.
3. The petition is disposed off in the aforesaid terms.

4. Rule is made absolute accordingly with no order as to costs.

NUTAN D. SARDESSAI,J

ANOOP V. MOHTA,J

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