

IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL WRIT PETITION NO.64 OF 2017

Basuraj Kattimani Prisoner No.
presently serving sentence at
Central Jail Colvale, Goa.
Staying in Panaji since birth

... Petitioner

Versus

1. State of Goa
Through The IG Prison,
Old Director of Education building,
Panaji, Goa.

2. PP High Court, Panaji Goa.

... Respondents

Shri T. John George, Advocate for the petitioner.

Shri P. Faldessai, Additional Public Prosecutor for the
respondents.

**CORAM : F. M. REIS &
NUTAN D. SARDESSAI, JJ**

DATE : 25th April, 2017.

ORAL JUDGMENT : (Per NUTAN D. SARDESSAI, J.)

Heard Shri T. John George, learned Advocate for the
petitioner and Shri P. Faldessai, learned Additional Public
Prosecutor for the respondents.

2. Rule.

3. Heard forthwith with the consent of the learned Advocate appearing for the respective parties. Shri P. Faldessai, learned Additional Public Prosecutor waives service on behalf of the respondents.

4. It was the case of the petitioner that he was convicted for the offence punishable under Section 376 I.P.C. and sentenced to undergo life imprisonment and completed 3.3 years. He was working as a servant prior to his conviction. The Superintendent of Police had reported not to consider the application of the said prisoner for furlough as there was every possibility of a breach of peace in the locality and that he would take advantage of furlough and may not surrender back to Jail. He had neither availed parole nor furlough on a single occasion and therefore his application had to be granted.

5. We have heard Shri T. John George, learned Advocate for the appellant and Shri P. Faldessai, learned Additional Public Prosecutor for the respondents and besides perused the order under challenge. It was also brought forth in the course of the submissions that the girl was barely 10

years old who was subjected to rape by the petitioner and who had been convicted and serving the sentence. On considering the order and the ground urged therein, we do not find it appropriate in such circumstances of the case to grant benefit of furlough to the petitioner. In the result, we pass following

ORDER

- i) The petition is dismissed with no order as to costs.

NUTAN D. SARDESSAI,J.

F. M. REIS,J.

mv