

IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL WRIT PETITION NO.65 OF 2017

Anthony Rebello Prisoner No. 719/05,
presently serving sentence
at Central Jail Colvale, Goa.

... Petitioner

Versus

1. State of Goa,
Through The IG Prisons,
Old Director of Education Building,
Panaji, Goa.

2. PP High Court, Panaji, Goa.

... Respondents

Shri T. George John, Advocate for the petitioner.

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

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

DATE : 12th April, 2017.

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

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

2. Rule. Shri P. Faldessai, learned Additional Public Prosecutor waives service on behalf of the respondents.

3. Heard forthwith with the consent of the learned Advocate appearing for the respective parties.

4. It was the case of the petitioner that he was convicted for the offences punishable under Section 302, 392 and 201 IPC and sentenced to undergo life imprisonment of which he had completed 17 years. He had applied for his release on furlough for 28 days which was however rejected by the respondent no.1 by the impugned order dated 23/03/2017 based on the police report and Rule 313 (2) Goa Prison Rules, 2006.

5. Shri T. George John, learned Advocate for the petitioner came to be heard on his behalf who reiterated the contents of the application and pressed for the release on furlough. Shri P. Faldessai, learned Additional Public Prosecutor for the respondent vehemently opposed the petition and submitted that though he was serving conviction and in custody for the last 17 years nonetheless he was released in September, 2016. The petitioner as a convict under Section 392 IPC was not entitled to furlough in terms of the Prison Rules and, hence, the petition had to be rejected.

6. We have heard Shri T. George John, learned Advocate for the petitioner and Shri P. Faldessai, learned Additional Public Prosecutor for the respondents. On a consideration of the material placed before us and that he had been earlier released on furlough, we do not find the impugned order appropriate and

accordingly set it aside with a direction to the respondent no.1 to reconsider his application afresh.

7. Rule is made absolute accordingly. No order as to costs.

NUTAN D. SARDESSAI,J.

F. M. REIS,J.

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