

IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL WRIT PETITION NO. 86 OF 2017.

Shri Maqbool Bangalore
Prisoner No.771/04,
Presently serving
sentence at Central Jail
Colvale, Goa.

.....Petitioner.

Versus

1. State of Goa
Through Chief Secretary,
Vidhan sabha, Porvorim, Goa.
2. The Superintendent of Police,
Escort Cell, Police Head
Quarters, Panaji Goa.
3. PI Escort Cell, Police
Head quarters, Panaji Goa.
4. PP High Court, Panaji Goa.

.....Respondents.

Mr. T. George John, Advocate for the petitioner.

Mr. P. Faldessai, Addl. Public Prosecutor for the respondents.

CORAM: M. S. SONAK, J.

Date:9th May, 2017.

ORAL JUDGMENT:

Heard Mr. T. George John, learned Advocate for the
Petitioner and Mr. P. Faldessai, learned Addl. Public Prosecutor for the
respondents.

2. Rule. With the consent of the and the at the request of the
learned Counsel for the parties heard forthwith.

3. Mr. P. Faldessai, learned Addl. Public Prosecutor waives

notice on behalf of the respondents.

4. Mr. T. George John, learned Counsel refers to the order dated 26.4.2017 made by the Superintendent of Central Jail Colvale, granting the petitioner, who is presently incarcerated at Central Jail at Colvale parole for a period of 14 days with effect from the date of his release from the Central Jail Colvale, subject to certain conditions. Mr. T. George John, pointed out that it is the practice to provide a police escort to the petitioner prisoner upto the police station having jurisdiction over the place the prisoner wishes to proceed to. Mr. T. George John, submits that no police escort is being provided as a result of which, the petitioner, who is ordered to be released on parole, is unable to avail the parole.

5. Mr. Faldessai, learned Addl. Public Prosecutor submits that there is no requirement as such in the Prisoners manual for providing police escort. However, as per earlier practice, police escort was being provided in certain cases. He points out there is some severe shortage of man power and other issues.

6. In this case, since, the petitioner, has already being ordered to be released on parole for a period of 14 days, such order, cannot be frustrated on account of inability to provide a police escort. The petitioner has placed on record a marriage card which prima facie indicates that on 14.5.2017, petitioner's daughter is to be married. If

the Prisoners Manual makes no provision for police escort, it is for the State, to take a policy decision as to whether it is necessary to provide such police escort or not. If there are any logistic difficulties like the same expressed by Mr. Faldessai, it is for the State to come out with an appropriate solution and take decision in the matter. However, for such reason, there is no question of frustrating the order of parole already made in favour of the petitioner.

7. Rather then, going into larger issues, the interest of justice will suffice, if the directions are issued to the respondents to provide a police escort to the petitioner as per existing practice so that, petitioner, is in a position to avail the parole granted to him by order dated 26.4.2017. The petitioner obviously, is required to comply with the directions and conditions as specified in the order dated 26.4.2017 on the basis of which parole has been granted to him

8. The respondents are therefore directed to provide necessary police escort as expeditiously as possibility so that, the petitioner, is in a position to avail parole, latest by 10.5.2017.

9. Rule is made absolute to the aforesaid extent. There shall be no order as to costs. All concerned to act on the authenticated copy of this order.

M. S. SONAK , J.

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