

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 93 OF 2017

DILIP SOMA SHETYE, PRESENTLY AT
CENTRAL JAIL COLVALE.,

... Petitioner

Versus

STATE OF GOA, THR. INSPECTOR
GENERAL OF PRISONS AND 3 ORS.,

... Respondents

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

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

Coram:- F. M. REIS &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 7th June, 2017

P.C.

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

2. The challenge in the above petition is to the refusal of parole to the petitioner on two counts, one is that the petitioner had committed breach of condition imposed when the petitioner had earlier granted such parole and second is that the petitioner had already availed of 132 days of parole in a year.

3. Mr. T. John George, learned Counsel for the petitioner submits that as far as the condition that there was breach of earlier condition, he submits that on the earlier occasion the petitioner was asked to report to the concerned police station every 8 days whereas in the last order there was a condition that

the petitioner had to report the police station every two days which the petitioner inadvertently had not noticed, though he had reported every 8th day. Mr. T. John George, learned Counsel further points out that neither the authority nor the petitioner realised about such breach of condition and in fact the petitioner was permitted to avail of such parole for the entire period. The learned Counsel further points out that the father of the petitioner who is old had suffered burnt injuries and as such, the petitioner is entitled for parole in such circumstances.

4. On the other hand Mr. P. Faldessai, learned Addl. Public Prosecutor points out that the conduct of the petitioner in not complying with the condition of the parole dis entitles him for further release on parole. The learned Addl. Public Prosecutor further points out that on flimsy excuses the petitioner is filing such application and in fact had already availed of parole for a period of 132 days in a year. The learned Addl. Public Prosecutor further points out that as such, the impugned order does not call for interference.

5. We have duly considered the submissions of the learned Counsel and we have also gone through the records.

6. The material placed before us does not disclose any emergent situation for such grant of parole to the petitioner at this stage. But however taking note of the explanation given by the petitioner for committing a breach of the condition which is plausible, in the circumstances of the case, we find that such

breach should not influence the concerned authority while deciding any application in future for parole/furlough filed by the petitioner and/or in case the petitioner avail of any other relief under the law.

7. Subject to above, petition stands disposed off.

PRITHVIRAJ K. CHAVAN, J.

F. M. REIS, J.

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