

IN THE HIGH COURT OF BOMBAY AT GOA.**Criminal Writ Petition No.94 of 2017.**

Vinesh fal Desai Prisoner No.275/15,
Presently serving sentence at Central
Jail Colvale, Goa.

Petitioner**Versus**

1. STATE OF GOA
Through The IG Prison,
old Director of Education building Panaji,
Goa.

2. PP, High Court, Panaji Goa.

Respondents

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Shri T.George John, Advocate for the petitioner.
Shri S.R.Rivonkar, Public Prosecutor for the respondents.

**CORAM: C.V.BHADANG &
PRITHVIRAJ K.CHAVAN, JJ.
DATED : 29.06.2017.**

ORAL JUDGMENT (PER C.V.BHADANG, J.):

1. Rule, made returnable forthwith. The learned Public Prosecutor waives service for the respondents. Heard finally with the consent of the parties.

2. The petitioner is challenging the order dated 23rd May, 2017 passed by the first respondent, whereby the application for parole filed by the petitioner, is rejected. The petitioner is claiming parole on the ground of illness of his mother, who, according to the petitioner, is suffering from kidney ailment. On

the earlier occasion, his application for parole was rejected, as the petitioner had not produced medical certificate. The petitioner has now annexed medical certificate in support of his claim that his mother is suffering from kidney ailment.

3. The learned Public Prosecutor, in such circumstances, on instructions states that the Competent Authority shall re-consider the application and pass appropriate order accordingly.

4. In such circumstances and by consent of the parties, the petition is partly allowed. The impugned order is hereby set aside. The first respondent shall consider the application for parole of the petitioner afresh and in accordance with law.

5. Rule is made absolute in the aforesaid terms.

PRITHVIRAJ K.CHAVAN, J.

C.V.BHADANG, J.

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