

IN THE HIGH COURT OF BOMBAY AT GOA.

Criminal Writ Petition No.161 of 2017.

Solman Ali Mullah Prisoner No.256/16,
Presently serving sentence at Central
Jail colvale, Goa

Petitioner

V/S

1. State of Goa,
Through Police Inspector,
Escort cell, Altinho Panaji Goa

2. PP High court. panajigoa.

Respondents

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Shri T. George John, Advocate for the petitioner.
Shri Pravin Faldessai, Additional Public Prosecutor for the
respondents.

**CORAM : C.V.BHADANG &
PRITHVIRAJ K.CHAVAN, JJ.
DATED : 22.09.2017.**

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

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

2. The petitioner, who is a convict undergoing sentence in Central Jail at Colvale, had applied for release on furlough, which was granted by the Competent Authority, with a direction to provide escort to the petitioner to reach him to his native place. The Superintendent, Central Jail, also sent a

wireless message to the Police Inspector, Escort Cell, Altinho, Panaji Goa on 30.5.2017 for providing necessary escort. Till date, the escort has not been provided. The petitioner is, therefore, seeking a direction to respondent no.1 to provide escort so as to enable him to avail the benefit of furlough.

3. The learned Additional Public Prosecutor submits that although there is no requirement as such in the Prisoners Manual for providing such police escort, since the year 2013 there has been a practice to direct such release on furlough/parole on the condition that the convict shall be reached to his native place under police escort. He points out that this practice is followed in respect of the prisoners, who are residents outside Goa in order to ensure that the prisoner does not abscond and reports back as per conditions of release. He further points out that the matter whether such a practice should be continued is under the active consideration of the State Government.

4. The learned counsel for the petitioner has pointed out the order passed by this Court in **Criminal Writ Petition No.86 of 2017 (Shri Maqbook Bangalore Vs. State of Goa and others)** decided on 9.5.2017, wherein this Court had directed to provide necessary police escort to the petitioner

therein so as to enable him to avail parole.

5. We have considered the rival circumstances and the submissions made.

6. We find that once the Competent Authority has directed release of the petitioner on furlough on the condition of providing escort, the same will have to be provided in order to enable the petitioner to get the benefit of the order of release.

7. In such circumstances, respondent no.1 is hereby directed to provide necessary police escort, within two weeks from today.

8. Rule is made absolute in the aforesaid terms.

PRITHVIRAJ K.CHAVAN, J.

C.V.BHADANG, J.

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