

IN THE HIGH COURT OF BOMBAY AT GOA

STAMP NUMBER MAIN NO. 3339 OF 2017

SHIVAYYA MARIHAL, PRESENTLY AT
CENTRAL JAIL COLVALE., ... Petitioner

Versus

STATE OF GOA, THR. POLICE
INSPECTOR, ESCORT CELL AND ANR., ... Respondents

Mr. T. George John, Advocate for the Applicant.
Mr Pravin Faldessai, Addl. Public Prosecutor for the
State-Respondents.

Coram:- C. V. BHADANG &
NUTAN D. SARDESSAI, JJ.

Date:- 13th October 2017

P.C.

Not on board. Taken on board.

2. The learned Counsel for the Petitioner undertakes to remove the office objections during the course of the day. The office to register the Criminal Writ Petition subject to removal of office objections.

3. The Petitioner, a resident of Karnataka, has been ordered to be released on furlough subject to he being dropped at his native place under escort. The Superintendent of Central Jail, Colvale, had sent a telegraphic message on 24.07.2017 to the

Police Inspector, Escort Cell for providing the necessary escort. According to the Petitioner, the escort is not yet provided, as a result of which the Petitioner has been unable to take the benefit of the Order releasing him on furlough.

4. The learned Addl. Public Prosecutor submits that the matter about providing of such escort is under consideration of the State Government. He however does not dispute that since the year 2013, it has been the practice followed to provide escort to the prisoners who were hailing from outside Goa. This, according to the learned Addl. Public Prosecutor, was with a view to ensure that the prisoner does not abscond and reports back after the expiry of furlough or parole as the case may be. The learned Addl. Public Prosecutor submits that this Court may pass appropriate orders.

5. We have considered the circumstances and the submissions made. Once the competent Authority releasing the Petitioner on furlough has made it subject to the Petitioner being dropped at his native place under escort, the escort will have to be provided in order to enable the Petitioner to take the benefit of the Order. As noticed earlier, this has been the practice followed in respect of the prisoners who are hailing from outside Goa. Unless and until the State Government takes a decision of discontinuing the said practice, (which decision has not yet been taken), the escort

has to be provided else otherwise the Order of release on furlough or parole as the case may be would be ineffective.

6. In such circumstances, we direct the Respondents to provide the necessary escort to the Petitioner within two weeks from today.

7. The Petition is disposed off in the aforesaid terms.

NUTAN D. SARDESSAI, J.

C. V. BHADANG, J.

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