

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.6 OF 2018

Suraj Kumar Jha (Bihaar),
Prisoner No.108/13, presently
serving sentence at Central Jail Colvale,
Bardez, Goa.

..... Petitioner.

Versus

1. State of Goa,
through the IG Prison,
Old Director of Education Building,
Panaji, Goa.

2. Public Prosecutor,
High Court Building, AG's Office,
High Court, Panaji, Goa.

..... Respondents.

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

Mr. Pravin Faldessai, Addl. Public Prosecutor for the State-
respondents.

***Coram : Shantanu S. Kemkar &
Nutan D. Sardesai, JJ.***

Date : 18 January 2018.

ORAL JUDGMENT: (Per Shantanu S. Kemkar, J.)

Rule. Heard finally at the stage of admission and
disposed of.

2. Aggrieved by the Memorandum dated 18th December 2017, issued by the Inspector General of Prisons, Panaji, Goa, thereby rejecting the petitioner's prayer to release him on furlough for 28 days , the petitioner has filed this petition.

3. The learned Counsel for the petitioner submits that while passing the impugned order, the learned Authority has not considered the fact that the petitioner had applied for grant of furlough for the first time.

4. Having considered the submissions made by the learned Counsel for the parties, we are of the view that the reasons assigned in the impugned order for rejecting the petitioner's application, cannot be sustained.

5. In the circumstances, we set aside the impugned Memorandum dated 18th December, 2017 and direct the Authority to reconsider the petitioner's claim for furlough, afresh taking into consideration the police report which has been shown to us by the learned Public Prosecutor .

6. Let the decision, as aforesaid, be taken within two weeks.

7. The petition stands disposed of. Rule made absolute in the aforesaid terms.

Nutan D. Sardesai, J.

Shantanu S. Kemkar, J.