

IN THE HIGH COURT OF BOMBAY AT GOA***CRIMINAL WRIT PETITION NO.14 OF 2018***

Gayatri Fernandes,
w/o. Ryan Fernandes,
major of age, married,
r/o. House No.852/1,
Oval Park, Porvorim, Bardez, Goa. Petitioner.

Versus

1. State of Goa,
through Secretary (Home),
Government of Goa,
Secretariat, Porvorim,
Bardez, Goa.

2. Under Secretary (Home)
Home Department,
Government of Goa,
Secretariat, Porvorim, Bardez, Goa. Respondents.

Mr. Ryan Menezes and Ms. Gina Maria Almeida, Advocates for the petitioner.

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

***Coram : Shantanu S. Kemkar &
Prithviraj Chavan, JJ.***

Date : 24 January 2018.

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

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

2. By filing this petition under Article 226 of the Constitution of India, the petitioner is essentially seeking extension of her husband's release on parole for a further period upto 10th March, 2018. According to the petitioner, her application was allowed initially for a period of 15 days and, thereafter, in pursuance of the directions issued by this Court, it was extended only for a period of 15 days though the extension was sought for 60 days. In the circumstances, the petitioner had to file this petition, seeking further extension for 60 days/or upto 10th March, 2018.

3. According to the petitioner, for getting treatment as per the Schedule of Treatment given by Dr. Milind Colvalcar dated 23rd January, 2018, the petitioner has deposited the entire fees. Thus, a prayer has been made to have the treatment to be complete, so that the petitioner and her husband can give birth to child. The petitioner prays that the petition be allowed and the extension at least upto 10th March, 2018 may be granted.

4. The learned Additional Public Prosecutor, on the other hand, has argued that the petitioner has availed the parole from time

to time on various occasions and the cause that she has stated would not be sufficient for grant of extension of parole.

5. Having considered the submissions made by the learned Counsel for the parties, we are inclined to dispose of this petition by directing the respondents to consider the petitioner's claim for grant of extension of parole upto 10th March, 2018, keeping in mind the Schedule of Treatment dated 23rd January, 2018. Since the present period of parole will be expiring on 28th January, 2018, we asked the learned Additional Public Prosecutor as to whether the petitioner's case can be reconsidered and the parole can be extended for the period as aforesaid, the learned Additional Public Prosecutor submits that the petitioner's case will be considered in accordance with law by tomorrow in the light of the averments made in the petition and the medical certificate referred to herein above.

6. In view of the aforesaid, we dispose of the petition. The decision as may be taken before 28th January, 2018, be communicated to the petitioner. Needless to say, while taking decision, the respondents shall consider the case of the petitioner on its own merits, uninfluenced by the stand taken by the learned Additional Public Prosecutor during the course of the hearing of this petition.

7. The petition stands disposed of. Rule made absolute in the aforesaid terms. Parties to act on duly authenticated copy of this Judgment.

Prithviraj Chavan, J.

Shantanu S. Kemkar, J.