

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 40 OF 2018

BHAU GANGARAM VALVE, PRESENTLY AT
CENTRAL JAIL COLVALE, THR. BRAIN
PINTO.,

... Petitioner

Versus

STATE OF GOA, THR. INSPECTOR
GENERAL OF PRISONS, PANAJI AND
ANR.,

... Respondents

Adv. T. George John for the Petitioner.

Mr. Pravin N. Faldessai , Addl. Public Prosecutor for Respondent no.1.

***Coram:- N. M. JAMDAR &
PRITHVIRAJ K. CHAVAN, JJ.***

Date:- 3rd May 2018.

P.C.:

On 5/4/2012, we had passed the following order:

“In view of the contentions raised by the Petitioner, the Respondent/Inspector General of Prisons will file an additional affidavit as to in what circumstances the bar of Section 433A of Cr.P.C is applicable for consideration of the case of the Petitioner, since it is the contention of the Petitioner that the offence for which he is sentenced i.e under Section 2 (y) (iii), r/w offence

under Section 2 (y)(i), punishable under Section 8(2) of Goa Children Act 2003 to Life Imprisonment and fine of ₹10000 I/d. 3 years R.I., does not carry the sentence where death is one of the punishments provided by law, so also the contention of the Petitioner that as on date he now has completed 10 years of imprisonment. The additional affidavit to be filed within a period of two weeks from today. S.O. To 20 April 2018.”

2. The additional Affidavit in reply has been filed by the Inspector General of Prisons. Again the I.G. Prisons has again not adverted to the issue regarding the question of 10 years and has commented on the merits of the petitioner's case which is to be considered by the Review Board. In view of the fact that we had passed a specific order on 5/4/2018 crystallizing the issue therein and the Affidavit in reply is filed in this manner, we have to presume that the case of the petitioner that his case can be placed before the Review Board at this stage, is accepted. What the review Board will do on merits is a different matter.
3. Accordingly in view of the Affidavit filed, we dispose of the writ

petition, by directing that the petitioner's case shall be placed before the next Review Board. The Review Board will consider the case of the petitioner on merits and take an appropriate decision.

4. Petition disposed off.

PRITHVIRAJ K. CHAVAN, J.

N. M. JAMDAR, J.