

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.63 OF 2018

Vinesh N. Fal Dessai
presently at Central Jail,
Colvale.

... Petitioner

Versus

State of Goa & Anr.

... Respondents.

Mr. T. George John, Advocate for the Petitioner.

Mr. P. Faldessai, Additional Public Prosecutor for the Respondents.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 13 March 2018.

P.C. :

Heard the learned counsel for the Petitioner and the
learned Additional Public Prosecutor.

2. The prayer made by the Petitioner is for extension of
parole for eight days or till the application for extension of parole leave

is decided. The Petitioner has made an application for extension on 6 March 2018. The learned Additional Public Prosecutor informs that the application for extension is not yet decided.

3. In the identical circumstances, in Criminal Writ Petition No.50 of 2018, we had passed the following order on 1 March 2018.

“Heard learned Counsel for the petitioner and the learned Additional Public Prosecutor.

2. The petition was kept back for the learned Additional Public Prosecutor to take instructions as to whether the application for extension filed by the Petitioner has been decided. Learned Additional Public Prosecutor states that the application is not yet decided and is likely to be decided today.

3. The Petitioner has been granted parole and the last date is today, i.e. 1 March 2018 before 06:00PM. The learned Counsel for the Petitioner makes a grievance that if the application is rejected, the Petitioner's opportunity to challenge the order is lost. The petitioner had, in fact, applied for extension on 6 February 2018. If the Petitioner had applied almost one month in advance, it is not proper on the part of the authorities to decide the application for extension at the last moment leaving no opportunity to the

Petitioner to test the validity of the same. We, therefore, find merit in the prayer made by the Petitioner that the Petitioner be granted 8 days' further time.

4. We accept the statement made by the learned Additional Public Prosecutor that the application for extension will be decided today. Based on this statement we extend the parole leave for a period of 8 days.

5. We make it clear that this application is granted in the circumstances above and shall not be considered as a reflection on the claim of the Petitioner for extension made on the application and the authority shall decide the application for extension on its own merit.

6. So that such situation does not recur in future, we direct the Under Secretary to ensure that the applications for extension are decided, if they are made in advance by the applicant, atleast 3 days before the last date, otherwise, it amounts to deprivation of the rights of the applicant to approach the Court.

7. The Writ Petition is, accordingly, disposed of in above terms.

8. All parties to act on the authenticated copy of this order. The Additional Public Prosecutor will inform the order to the Respondent no. 1 without waiting for the copy of this order.”

4. The facts in the present petition being identical, the Criminal Writ Petition is disposed of by extending the parole granted to the Petitioner by a period of eight days from today. The Respondent-Authority will decide the application of the Petitioner within the extended period.

5. In the order dated 1 March 2018, in Criminal Writ Petition No.50 of 2018, we had directed the Under-Secretary to ensure that the applications for extension are decided in advance otherwise it amounts to deprivation of the rights of the applicant to approach the Court, or that the Court has to grant an extension. We reiterate the observations made in the above order.

6. The Writ Petition is, accordingly, disposed of in above terms.

Prithviraj K. Chavan , J.

N.M. Jamdar, J.