

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.94 OF 2019

Shri Rajendra Singh Dolhi,
aged 36 years old,
Convict Prisoner No.11/07,
Presently serving sentence at
Central Jail, Colvale Goa.

.... Petitioner

Versus

1. Under Secretary (Home)
Department of Home (General),
Government of Goa,
Secretariat, Porvorim Goa.
2. The Inspector General of Prisons,
18th June Road,
Old Education Building,
Panaji Goa.
3. Public Prosecutor,
High Court Building,
AG's Office,
High Court,
Panaji Goa.

.... Respondents

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

Mr. Pravin N. Faldessai, Additional Public Prosecutor for the
Respondents.

***Coram : R. D. Dhanuka &
Prithviraj K. Chavan, JJ.***

Date : 8th April, 2019

Oral Judgment (Per R. D. Dhanuka, J)

Rule. The learned counsel for the Respondents waive service. The petition is heard forthwith.

2. By this petition, the Petitioner seeks an order and direction against the Respondents to regularize one day overstay as one day extension of parole. The Petitioner was granted parole of 30 days for the period from 12th January, 2018 to 10th February, 2018. It is the case of the Petitioner that on the last date of parole, the Petitioner was unwell and admitted in hospital. The Petitioner has annexed a copy of the medical certificate dated 11th February, 2018 certifying that on 10th February, 2018, the Petitioner was admitted in hospital due to hypertension and respiratory and was under observation. His blood pressure was shot up and treated for COPD. He was discharged on 11th February, 2018 at 9.00 a.m. The Petitioner admittedly surrendered before the Respondent No.2.

3. The Petitioner thereafter applied for condonation of delay of one day in surrendering before the Respondent No.2. The application for condonation of delay was however rejected mechanically by the Respondent Nos.1 and 2.

4. We have heard the learned counsel for the parties. Perused the documents annexed to the petition. The documents annexed to the petition clearly indicate that the Petitioner was unwell and was under medical investigation due to breathlessness and giddiness and also because of blood pressure shot up. If this was the fact, the Respondent Nos.1 and 2 ought to have condoned the delay of one day applied by the Petitioner.

5. We therefore pass the following order :

(a) The impugned order dated 12th March, 2019, passed by the Respondent No.2 is quashed and set aside. The one day overstay is condoned as one day extension of parole.

(b) Rule is made absolute in the aforesaid terms.

(c) It is made clear that this order is passed in view of the fact and circumstances of this case and this order shall not be used as a precedent.

(d) No order as to costs.

(e) Parties to act on the basis of the authenticated copy of this order.

Prithviraj K. Chavan, J.

R. D. Dhanuka, J.

*at**