

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL WRIT PETITION NO. 9 OF 2019**

Mr. Subhas Krishnan,
Prisoner No.814,
Central Jail,
Colvale, Bardez, Goa.

.... Petitioner

V e r s u s

1. State of Goa,
Through the Chief Secretary,
Government of Goa,
Secretariat,
Porvorim, Goa.

2. Inspector General of Prisons,
Collectorate, North,
Panaji, Goa.

3. The Superintendent,
Central Jail,
Colvale, Bardez, Goa.

.... Respondents.

Ms. Caroline Collasso, Advocate for the Petitioner.

Mr. S. R. Rivankar, Public Prosecutor for the Respondents.

**Coram:- M. S. SONAK &
PRITHVIRAJ K. CHAVAN, JJ.
Date:- 16th January 2019.**

ORAL JUDGMENT (Per M. S. Sonak, J):

Heard Ms. Collasso, the learned counsel for the petitioner and Mr.

Rivankar, the learned Public Prosecutor for the Respondents.

2. Rule. Rule returnable forthwith. Heard finally with the consent of the learned counsel for the parties. Mr. Rivankar, the learned Public Prosecutor waives notice on behalf of the Respondents.

3. The petitioner questions the order made in December 2018 denying him parole of 14 days.

4. Ms. Collasso, the learned counsel for the petitioner submits that the mother of the petitioner suffers from acute Lumbago with Neurological deficiency. She submits that this position has been verified by the Superintendent of Police. She submits that the petitioner was released on parole on 18 earlier occasions and there has not been any instance of his breaching the terms and conditions of release. She submits that even the conduct of the petitioner in the prison is exemplary. For all these reasons she submits that parole ought to have been granted to the petitioner in the present case.

5. Mr. Rivankar, the learned Public Prosecutor defends the impugned order for the reasons set out therein.

6. According to us, this is a fit case to release the petitioner on parole. The Superintendent of Police, South Goa at Margao, has verified the status of the petitioner's mother's health and this aspect is reflected in paragraph 2 of the impugned order. The petitioner has been released on parole on 18 earlier occasions and there was no complaint that he has misused this facility of the parole granted to him. Although, this aspect may not be strictly relevant, the prison authorities have also certified to the good conduct of the petitioner. In fact, it is recorded that the petitioner has a good record and he also helps the jail administration in making peace. Before we part with this matter, we note that the impugned order in the present case, bears no date. The Jail Authority must ensure that the orders they make bear the clear date so that there is no confusion.

7. For the aforesaid reasons, we set aside the impugned order and direct that the petitioner be released on parole for a period of 14 days on the usual terms and conditions. The formal order to this matter be made as expeditiously as possible and in any case within two weeks from today.

8. Rule is made absolute in the aforesaid terms. There shall be no order as to costs.

9. All concerned to act on the basis of an authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

M. S. SONAK, J.

ap/-