

IN THE HIGH COURT OF BOMBAY AT GOA.
CRIMINAL WRIT PETITION NO. 21 of 2019.

Mr. Ryan Fernandes, Prisoner
No.9/2007, aged 39 years, Presently
serving sentence at Central Jail,
Colvale, Goa. Petitioner.

Versus

- 1) The Office of Superintendent
Central Jail Colvale, Colvale,
Bardez Goa.
- 2) The Inspector General of
Prisons, Government of Goa,
Office of 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. S. R. Rivankar, Public Prosecutor for the respondents.

Coram:- M. S. Sonak &
Prithviraj K. Chavan, JJ.
Date:- 25th February, 2019.

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

Heard Mr. T. George John, learned Counsel appearing
for the petitioner and Mr. S. R. Rivankar, learned Public
Prosecutor appearing for the respondents.

2. Rule. With the consent of and at the request of the

learned Counsel for the parties, Rule is made returnable forthwith.

3. Mr. S. R. Rivankar, learned Public Prosecutor waives notice on behalf for the respondents.

4. The challenge in this petition is to the order dated 30.1.2019 made by Superintendent of Central Jail Colvale, Bardez Goa, forfeiting the bond amount deposited by the petitioner on the ground that there was one day delay on the part of the petitioner in surrendering after availing parole for 7 days.

5. From the material on record, we are satisfied that the delay of one day, was, not at all deliberate. Mr. T. George John has explained that there was genuine error in calculation of days. He has explained that the petitioner in the present case, voluntarily surrendered. He also relied upon the decision of Patna High Court in the case of **Anil Sahni & ors Vs. The State of Bihar**¹.

6. Since, we are satisfied that the delay of one day in surrendering, was, not at all deliberate, we set aside the impugned order dated 30.1.2019.

¹ Criminal Misc. No.21685 of 2015(2) dated 21.05.2015

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

PRITHVIRAJ K. CHAVAN,J.

M. S. SONAK, J.