

**IN THE HIGH COURT OF BOMBAY AT GOA**  
**CRIMINAL WRIT PETITION NO.116 OF 2019**

Suresh Minz @ Dadi  
Aged 41 years old,  
Prisoner No.07/07,  
Presently serving sentence at  
Central Jail, Colvale, Goa.

.... Petitioner

V/s.

1 The Inspector General of Prisons,  
18<sup>th</sup> June road,  
Old Education Building,  
Panaji, Goa.

2 Public Prosecutor,  
High Court Building, AG's Office,  
High Court, Panaji-Goa.

.... Respondents

Mr. T. George John, Advocate for the Petitioner.  
Mr. Pravin Faldessai, Additional Public Prosecutor for the  
Respondents.

**Coram:- M.S. SONAK, J.**

**Date :- 17<sup>th</sup> May, 2019**

**ORAL JUDGMENT :**

Heard Mr. T. George John, learned Advocate for the  
petitioner and Mr. Pravin Faldessai, learned Additional Public  
Prosecutor for the State.

2. Rule. Rule is made returnable forthwith with the  
consent and at the request of the learned Counsel for the  
parties as also taking into consideration the limited issue

involved. Learned Additional Public Prosecutor waives service on behalf of the State.

3. The challenge in this petition is to the orders dated 11/02/2019 and 08/04/2019 rejecting petitioner's furlough application.

4. On the earlier occasion, by order dated 11/02/2019, furlough was declined to the petitioner for want of receipt of inquiry report within eight weeks. Thereafter, the inquiry report was received and despite the same, by order dated 08/04/2019, furlough has been declined to the petitioner.

5. The inquiry report submitted by the Superintendent of Police, states that there will be no issue of law and order or breach of peace in the locality if the petitioner is released. The report also states that the petitioner is a local boy and there is no possibility of his targeting any victims nor has any personal grudge. The report, in fact, is in favour of the petitioner.

6. The impugned order proceeds on the basis that the

Police report furnished by the Superintendent of Police, South Goa is adverse. Though, the report is indeed adverse, the same does not appear to be backed by any serious material on record or particulars. The report overlooks the important circumstance that the petitioner was released on furlough on four earlier occasions. There is no material on record to suggest that the petitioner has at any time breached the terms and conditions subject to which he was released on furlough on four previous occasions.

7. Therefore, taking into consideration all the aforesaid circumstances cumulatively, the impugned orders are hereby set aside. The petitioner is directed to be released on furlough subject to usual terms and conditions. Formal orders in this regard may be made on or before 30/05/2019.

8. Rule is made absolute in the aforesaid terms. There shall be no orders as to costs. All concerned to act on the authenticated copy of this order.

**M.S. SONAK, J.**

NH