

**IN THE HIGH COURT OF BOMBAY AT GOA**  
**CRIMINAL WRIT PETITION NO.124 OF 2019**

Shri Suresh Chanappa  
Aged 36 years old,  
Prisoner No.570/02,  
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 order dated 18/04/2019 by which petitioner's furlough application came to be rejected by the Inspector General of Prisons.

4. The rejection is based upon adverse Police report. The adverse Police report does not appear to be backed by any serious material on record. The report in fact notes a certificate issued to the Superintendent, Central Jail, Colvale dated 20/11/2018. The adverse report also overlooks the fact that on not less than thirteen occasions in the past the petitioner was released on furlough. There is nothing on record to suggest that the petitioner has breached the terms and conditions subject to which he was released on furlough.

5. Therefore, taking into consideration all the aforesaid circumstances cumulatively, the impugned order dated 18/04/2019 is hereby quashed and 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.

6. 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