

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (MAIN) NO. 145 OF 2019

**NAFIYAZ SHAIKH @ SHAIKH NAFIYAZ
MAMLAHAKAR, PRESENTLY AT CENTRAL
JAIL, COLVALE, THR. SHAIKH
HASHAM.,**

... Applicant

Versus

**INSPECTOR GENERAL OF PRISONS,
GOVT. OF GOA.,**

... Respondent

Mr. Ryan Da Piedade Menezes, Advocate for the Applicant.
Mr. Pravin Faldessai, Additional Public Prosecutor for the
Respondent.

Coram:- SMT. MRIDULA R. BHATKAR, J.

Date:- 15th May 2019

P.C.

Leave to amend prayer clause (a), forthwith.

2. In this application, the order dated 29.04.2019 passed by the Inspectorate General of Prisons, Panaji, Goa, rejecting the furlough application of the applicant-convict, is challenged. In the said order, the Inspectorate General of Prisons while refusing the application gave reason that the six months period from the date of his last return from parole is not completed.

3. The learned Additional Public Prosecutor submits to the orders of the Court.

4. The said application was rejected on 29.04.2019 and as per the history of parole and furlough, he was released on sixteen occasions and the last occasion he returned after enjoying the parole was on 06.11.2018. Thus, the six months period got over on 05.05.2019 and therefore I remand this application to the Inspectorate General of Prisons, Panaji, Goa.

5. The order dated 29.04.2019 passed by the Inspectorate General of Prisons is hereby quashed and set aside. The Inspectorate General of Prisons to consider Rule 316(1) along with Rule 314. This application is to be decided within two weeks on or before 29.05.2019.

6. Authenticated copy of this order be issued to the parties in accordance with law.

SMT. MRIDULA R. BHATKAR, J.

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