

IN THE HIGH COURT OF BOMBAY AT GOA***CRIMINAL WRIT PETITION NO. 129 OF 2019***

Mr. Raju Bihari @ Rajesh Patel

... Petitioner

Versus

The State of Goa and 2 Ors.

... Respondents

Ms. Veena Ghode, Advocate for the Petitioner.

Mr. Pravin N. Faldessai, Additional Public Prosecutor for the
Respondent Nos.1 to 3.***Coram : S.C. Gupte, &
Prithviraj K. Chavan, JJ.******Date : 18th June, 2019.*****P.C. :**

This petition seeks a Writ of Mandamus for grant of parole for a period of 30 days. The Petitioner has been undergoing life imprisonment, having been convicted under Section 320 of IPC. He sought parole on the grounds of his mother's illness. It was submitted by him that she was advised to undergo uterus surgery, and that, as the only son, he has to look after his mother at this critical stage.

2. The application was rejected by the Inspector General of Prisons, Panaji, Goa, by his Order dated 24.05.2019. The rejection was on the ground that excessive paroles on various reasons were availed of by the Petitioner.

3. The State does not dispute the Petitioner's case of his mother's illness and proposed surgery. It appears that the Petitioner has also applied for furlough. The Inspector General of Prisons must therefore, consider the Petitioner's application for parole, subject to the Petitioner withdrawing his application for furlough.

4. The Writ Petition is accordingly disposed of by quashing and setting aside the impugned order of the Inspector General of Prisons, dated 24.05.2019, and directing the Inspector General of Prisons to consider the Petitioner's application for parole afresh, and in accordance with the order passed above. The application shall be disposed of within a period of two weeks from today, on the basis of the existing police report.

Prithviraj K. Chavan, J.

S.C. Gupte, J.

Dv*