

IN THE HIGH COURT OF BOMBAY AT GOA***CRIMINAL WRIT PETITION NO. 134 OF 2019***

Mr. Kaushal V. Kumar

... 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 Writ Petition seeks a Writ of Mandamus for grant of furlough for a period of 28 days. The application of the prisoner for furlough was rejected by the Inspector General of Prisons, Panaji, Goa, on the ground that the request of the prisoner, who had committed a grave crime like murder, could not be granted, unless a relative was forthcoming for receiving him while on furlough, and to enter into surety bond.

2. The Petitioner has filed alongwith his petition, an affidavit of one Jayesh Kumar, brother of the Petitioner, offering to receive him during his release on parole/furlough, and to take

adequate care during his release, and ensure his surrender in time to the prison authorities. This affidavit was not before the prison authorities when the impugned order was passed. Now that there is an affidavit of the relative, as noted above, learned Additional Public Prosecutor appearing on behalf of the Respondents, offers to consider the Petitioner's application for furlough afresh, and in the light of the affidavit of the relative referred to above.

3. The petition is, accordingly, disposed of by quashing and setting aside the impugned orders of the Inspector General of Prisons, and directing the Inspector General to consider the Petitioner's application for furlough afresh, and in the light of the affidavit of Jayesh Kumar, S/o. Viswa Vijay Kumar, being Annexure-C to the petition. The application shall be disposed of expeditiously.

Prithviraj K. Chavan, J.

S.C. Gupte, J.

Dv*