

IN THE HIGH COURT OF BOMBAY AT GOA***CRIMINAL WRIT PETITION NO. 135 OF 2019***

Mr. Shailesh Gurudas Gadekar

... 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 parole for a period of 30 days. The prisoner's application for parole was rejected by the Inspector General of Prisons on the ground that he had availed of 177 days of parole in the preceding one year of imprisonment, and the cause now shown did not appear to be either different or more serious than the one preceding it.

2. The Petitioner has produced a certificate of a doctor certifying that his mother, Smt. Vatsala Gadekar, has been suffering from Ischemic heart disorder with vestigial and syncopal attacks. Even

if the Petitioner has availed of parole on earlier occasions, and even if it had to be for more or less the same reason, unless there is anything to indicate that the mother's condition was, in fact, not as indicated in the doctor's certificate, the authorities should not have rejected the Petitioner's application, but ought to have considered the same on humanitarian grounds.

3. The petition is, accordingly, disposed of by quashing and setting aside the order passed by the Inspector General of Prisons on 07.05.2019, and directing him to consider the Petitioner's application for parole in the light of the observations herein. The application shall be disposed of expeditiously, and in any event, within a period of two weeks from today.

Prithviraj K. Chavan, J.

S.C. Gupte, J.

Dv*