

IN THE HIGH COURT OF BOMBAY AT GOA***CRIMINAL WRIT PETITION NO. 136 OF 2019***

Mr. Vinesh Fal Desai

... 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 challenges the rejection order passed by the Inspector General of Prisons, Panaji, Goa, rejecting the Petitioner's application for parole. The Petitioner is undergoing imprisonment for the offence of rape. His application was opposed by the victim, on the ground that she had been continuously threatened and pressurized by the convict prisoner, before the judgment in the case, either to withdraw the case, or help him in the best possible way to get acquitted. Even the villagers, some of whom are witnesses who have deposed against the Petitioner, have been seriously apprehensive, and are under fear. The villagers have opined before the investigating

authorities that if the convict were to be released on parole, there would be a strong possibility of law and order problem in the locality.

2. The Superintendent of Police has also recorded the possibility of the Petitioner's likelihood of taking revenge against the victim/complainant and the Prosecution witnesses, as also the villagers, who might have supported the Prosecution, directly or indirectly.

3. Considering the genuine apprehensions voiced by the villagers, including the victim herself, the police have made an adverse report. There is nothing on record to suggest that the observations made by the police, in this behalf, are either incorrect or perverse. The petition, accordingly, does not merit acceptance. The petition is, accordingly, rejected.

Prithviraj K. Chavan, J.

S.C. Gupte, J.

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