

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO. 141 OF 2019

Adwayya @ Swami Kuntaianawar. Petitioner.

Versus

The State of Goa and Ors. Respondents.

Ms. Veena Vaman Ghode, Advocate for the Petitioner.

Mr. Pravin Faldessai, Additional Public Prosecutor for the State-
Respondents.

Coram : S.C. Gupte &
Prithviraj K. Chavan, JJ.

Date : 18th June, 2019.

P.C. :-

This Petition seeks a writ of mandamus for grant of furlough for a period of 28 days. The rejection of the furlough application was on the ground of an adverse police report. The adverse report was on the ground that if the prisoner, convicted for the case of murder, were to be released on furlough, there was every possibility that he would take advantage and not surrender before the jail authorities and that he had left the village long back since there was no good opinion about him in the village.

2. In the first place, there is hardly anything on record to suggest that the Petitioner would not comply with the conditions of

furlough and not surrender before the jail authorities. The Petitioner had been released once on furlough when he had complied with the conditions of his release. Secondly, that the Petitioner has left his village long back or that the villagers do not have a good opinion about him, are no good reasons for denying furlough to the Petitioner. Learned Addl. Public Prosecutor offers to consider the Petitioner's application for furlough afresh, in the premises.

3. The Writ Petition is disposed of accordingly by quashing and setting aside the order of Inspector General of Prisons, Panaji dated 31st May, 2019 and directing him to consider the Petitioner's application afresh and in the light of what we have observed above. The application must be disposed of expeditiously and, in any event, within a period of two weeks from today.

Prithviraj K. Chavan, J.

S.C. Gupte, J.