

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO. 142 OF 2019

Jose Pinto. 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. :-

The Petition seeks a writ of mandamus for grant of furlough, challenging an order passed by the Inspector General of Prisons, Panaji on 24th May, 2019, rejecting the Petitioner's furlough application.

2. The application was rejected on the ground that the convict was involved in a serious crime, undergoing life imprisonment, and if released on furlough, possibility of absconding/disappearing and not reporting back could not be ruled out. The question is not whether possibility of reporting back could be ruled out, but whether there is any concrete possibility of the convict not reporting back. Unless the

prison authorities have some material to form an opinion that the convict prisoner would abscond and not report back, the application for furlough cannot be rejected. The impugned order does not indicate that there is any such material considered by the Inspector General of Prisons whilst passing the impugned order

3. The Writ Petition is accordingly allowed by quashing and setting aside the impugned order passed by the Inspector General of Prisons, Panaji and directing him to reconsider the Petitioner's application for furlough, in accordance with law and in the light of the observations made by us above.

Prithviraj K. Chavan, J.

S.C. Gupte, J.