

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.158 OF 2019

Shamsunder Anchan @ Shyam Petitioner.

Versus

1) The Inspector General of Prisons,
and another. Respondents.

Mr. T. George John, with Ms. Maria Medard D'Souza, Advocates
for the Petitioners.

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

Coram : S.C. Gupte &
Nutan D. Sardesai, JJ.

Date : 5th July, 2019.

P.C.:-

Heard learned Counsel for the Petitioner and learned
Additional Public Prosecutor.

2. This Petition seeks a writ of mandamus, commanding
Respondent No.1-Inspector General of Prisons for release of the
Petitioner, who is a convict-prisoner, on furlough for 28 days. The
Petitioner's furlough application was rejected by the Inspector
General of Prisons on the grounds of complaints filed against him by
his own mother Smt. Vijaya Vaman Anchan. It was reported to the
Police that during the periods the Petitioner was earlier released on

furlough, he used to harass her even by committing assaults and that she feared a danger to her life as well as lives of her daughter and other family members, as the convict-prisoner had threatened to kill them. The apprehension of the Police is based on a complaint received by them from none else than the convict-prisoner's own mother. In the premises, it cannot be said that the rejection of furlough on the grounds of adverse police report is arbitrary or unreasonable.

3. Learned Counsel for the Petitioner submits that he can produce material to support his case that he would not be staying with his mother upon being released on furlough and that he was in a position to file affidavits to that effect. If that is so, such fresh material or affidavits can be produced before the Prison authorities by making a fresh application for furlough on the basis of such material. There is no reason for this Court to interfere on the basis of what was not before the Prison authorities when the impugned order was passed.

4. Accordingly, there is no merit in the Petition. The Petition is dismissed.

Nutan D. Sardesai, J.

S.C. Gupte, J.