

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.159 OF 2019

Babi Janu Fale
aged 53 years old,
Prisoner No.796/06
presently serving sentence at
Modern Central Jail, Colvale, Goa Petitioner.

Versus

1) The Inspector General of Prisons,
Government of Goa
Office of inspector General of Prisons,
18th June Road,
Old Education Building,
Panaji, Goa.

2) Public Prosecutor,
High Court Building,
AG's Office, High Court,
Panaji, Goa.

..... 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.

ORAL JUDGMENT: (Per S.C. Gupte, J.)

1. Heard learned Counsel for the Petitioner and learned

Additional Public Prosecutor for the State.

2. Rule. Taken up for hearing forthwith by consent of Counsel.

3. This Criminal Writ Petition seeks a writ of mandamus for release of the Petitioner, who is a convict-prisoner, on furlough for 28 days. The Petitioner's application for furlough has been rejected on an adverse police report which appears to be a mere mechanical assertion that there was every possibility that the Petitioner would take an advantage of the release and not surrender before the jail authorities or may not be traceable. The Petitioner had been released either on parole or furlough at least on 14 occasions earlier. There has never been any complaint against the Petitioner that on any of these occasions he either tried to jump the parole or furlough or did not report to the jail authorities. The remarks from the jail authorities which are produced as part of the record in the present Petition, clearly establish this. The police report used for denying furlough appears to be a mere speculative view on the part of the authorities.

4. Accordingly, the Petition deserves to be allowed. Rule is accordingly made absolute and the Petition is disposed of by directing the Inspector General of Prisons to grant furlough leave to the Petitioner on his application dated 7th May, 2019, on regular

conditions. Formal order in that behalf may be passed within a period of two weeks from today.

Nutan D. Sardesai, J.

S.C. Gupte, J.