

IN THE HIGH COURT OF BOMBAY AT GOA  
CRIMINAL WRIT PETITION NO. 165 OF 2019

1 Mr. Shyam Gawas,  
Age 49 years, Prisoner No.94/12.  
R/o. H.No.31, Bandh, St. Cruz,  
Ilhas Goa, Presently lodged at .... Petitioner  
Central Jail, Colvale – Bardez, Goa.

Versus

1 The State of Goa (Through under  
Secretary Home Department)  
Secretariat, Porvorim, Goa

2 The Inspector General of Prisons,  
Collector Building, North Goa  
Panaji.

3 The Superintendent  
Central Jail, Colvale – Bardez, Goa ... Respondents.

Ms. Veena Ghode, Advocate for the petitioner.

Mr. P. Faldessai, Additional Public Prosecutor for the respondents.

Coram:- M. S. SONAK &  
NUTAN D. SARDESSAI, JJ.  
Date:- 24th July, 2019

ORAL JUDGMENT: ( Per M.S. SONAK,J.)

Heard Ms. Veena Ghode, learned Counsel for the petitioner  
and Mr. P. Faldessai, learned Additional Public Prosecutor for the  
respondents.

2. Rule. Rule is made returnable forthwith with the consent and at the request of the learned Counsel for the parties.

3. The challenge in this petition is to the order dated 08/07/2019 passed by the Inspectorate General of Prisons rejecting the petitioner's application for furlough.

4. For perusal of the impugned order we find that routine reasons have been stated without any real application of mind. In order to counter such reasons, the petitioner has placed on record an affidavit of Smt. Pushpa Gawas, his own mother, in which, it is categorically stated that no Police Officer had in fact contacted her or made any enquiries with her. In the affidavit she has stated that she is willing to receive the applicant during his release on furlough and take adequate care and further, to also ensure his surrender in time to the prison authority.

5. The record also indicates that in the past the applicant has released on furlough and there was no complaint of any breach of terms and conditions.

6. In the aforesaid status we quash the impugned order dated 08/07/2019 and direct them to release the petitioner on furlough

subject to usual terms and conditions. Necessary orders in this regard to be made by Inspectorate General of Prisons within a period of one week from today.

7. Rule is made absolute in the aforesaid terms. There shall be no order as to costs.

8. All concerned to act on the authenticated copy of this order.

**NUTAN D. SARDESSAI, J.**

**M. S. SONAK, J.**

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