

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.163 OF 2019

Mr. Raghuvir Sharma
Age 49 years,
Prisoner No.129/14,
R/o. Nachinola, Bardez Goa.
N/o. Karahi, Shivpuri, Madhya Pradesh.
Presently lodged at Central Jail,
Colvale-Bardez, Goa.

... Petitioner

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 Vaman Ghode, Advocates for the Petitioner.
Mr. Mahesh Amonkar, Additional Public Prosecutor for the
Respondents.

**Coram:- M.S. SONAK &
NUTAN D. SARDESSAI, JJ.**

Date :- 30th JULY, 2019

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

Heard Ms. Veena Ghode, the learned Advocate for the
petitioner and Mr. Mahesh Amonkar, the learned Additional
Public Prosecutor for the respondents.

2. Rule. Rule is made returnable forthwith with the consent of and at the request of the learned Counsel for the parties. The challenge in this petition is to the order dated 18/04/2019 made by the Inspector General of Prisons rejecting petitioner's application for furlough for a period of 28 days.

3. The reasons set out in the impugned order display non application of mind and an extremely casual approach. The aspect that earlier furlough was granted to the petitioner, but the petitioner failed to avail of the same for want of surety, has been totally ignored on the basis of routine statements that the petitioner is likely to take undue advantage, furlough has been rejected.

4. In this case, the petitioner proposes to spend the furlough period at CARITAS Institute. Fr. Maverick Fernandes has stated that if the prisoner is released on furlough, he can spend time at this institute and he will see that there will be no breach of peace in the locality. In **Bhau Valve V/s. The Inspector General of Prisons & Anr.** (Criminal Writ Petition No.215/2018 decided on 16/01/2019), we had occasion to

consider the case of the prisoner, who again wanted to stay at the CARITAS Institute. In that case as well Fr. Maverick Fernandes had undertaken the responsibility. The reasoning in the said judgment and order will apply with all force to the parties of the present case as well.

5. Accordingly, for all the aforesaid reasons, we set aside the impugned order dated 18/04/2019 and direct the Inspector General of Prisons to release the petitioner on furlough, no doubt, subject to usual terms and conditions. Formal orders in this regard to be made within a period of one week from today.

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

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

NUTAN D. SARDESSAI, J.

M.S. SONAK, J.

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