

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.180 OF 2019

Mrs. Gayatri Fernandes
22 years, wife of Ryan Fernandes,
PC No.09/07, Currently resident of
Flat No.G-3, DC-7,
Navelkar Hill City, Bainguinim,
Sao Pedro, Tiswadi, Goa.

.... Petitioner.

Versus

1. State of Goa,
through the Under Secretary of
Home Department,
Alto, Porvorim, Bardez, Goa.

2. The Inspector General of Prisons,
Old Education Department Bldg.,
18th June Road,
Panaji, Goa.

3. The Superintendent of Prisons,
Central Jail,
Colvale, Bardez, Goa.

.... Respondents.

Ms. Prema Matkar, Advocate for the Petitioner.

Mr. Devidas Pangam, Advocate General with Mr. Gaurish
Nagvenkar, Addl. Public Prosecutor for the State.

Coram : M.S. Sonak &
Nutan D. Sardesai, JJ.

Date : 19th August, 2019.

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

Heard Ms. Prema Matkar for the Petitioner and Mr. Gauresh Nagvekar, Additional Public Prosecutor for the State.

2. Rule. Rule is made returnable forthwith.

3. By our order dated 1st August, 2019, by way of an interim relief, we had extended the Petitioner's husband's parole by two weeks, since, the State Government was yet to decide the Petitioner's husband's application for extension of parole.

4. By an order dated 16th August, 2019, which is placed on record by Mr. Nagvenkar, learned Additional Public Prosecutor, the State Government has rejected the application for extension of the parole. By our order dated 1st August, 2019, we had made it clear that if, any adverse order is made by the State Government, the same should not be implemented for a period of one week, so as to enable this Court to consider such order.

5. Ms. Matkar points out that the Petitioner has delivered on 10th August, 2019, but she is confined to hospital, since this was a case of caesarian delivery. She submits that if the Petitioner's husband is granted extension of parole upto 29th August, 2019, then, he will certainly report to the prison on 30th August, 2019 and will not seek

any further extension.

6. Looking to the circumstances of this case, the learned Advocate General for the State of Goa, makes a statement that the parole will be extended upto 29th August, 2019, so as to enable the Petitioner's husband to report to the prison positively on 30th August, 2019.

7. Accepting this statement, we dispose of this Petition by extending the parole upto 29th August, 2019, on the same terms and conditions. We also accept the statement made on behalf of the Petitioner, which we take as an undertaking on behalf of the Petitioner that the Petitioner's husband will positively report to the prisons on 30th August, 2019. Ms Matkar points out that the Petitioner's husband is present in the Court. The Petitioner's husband, who is present in the Court, also undertakes that he will positively report to the prison on 30th August, 2019. This undertaking is also accepted.

8. The Petition is disposed of in the aforesaid terms.

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

Nutan D. Sardesai, J.

M.S. Sonak, J.