

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL WRIT PETITION NO. 205 OF 2019**

Mr. Rupesh Salgaonkar,
Age 35 years,
Prisoner No.292/16,
R/o. H.No.348,
Dando, Siolim-Goa.
Presently lodged at Central Jail,
Colvale – Bardez, Goa.

... Petitioner

Versus

State of Goa
Through the Superintendent,
Central Jail, Colvale, Bardez-Goa.

... Respondent

Ms. Veena V. Ghode, Advocate for the Petitioner.
Shri Mahesh Amonkar, Additional Public Prosecutor for
Respondent.

Coram:- PRITHVIRAJ K. CHAVAN, J.

Date:- 25th September, 2019

JUDGMENT :

Rule. Rule made returnable forthwith. With the consent of the learned Counsel appearing for the parties taken up for hearing and final disposal. Shri M. Amonkar, the learned Additional Public Prosecutor waives service on behalf of the respondent.

2. The challenge in this petition is to the order dated 28/08/2019 passed by the Superintendent of Central Jail, Colvale, who had rejected an application dated 09/07/2019 filed by the petitioner for releasing him on parole.

3. It appears from the impugned order that the Superintendent of Central Jail, Colvale had rejected the application of the petitioner by taking into consideration the police report. Even though the police report speaks about the medical treatment being given to Smt. Suhasini R. Salgaonkar for hypertension, heart disease, osteo arthritis knee joint, yet, the photostat copy of the certificate filed at Annexure – C is wholly illegible and it is difficult to ascertain whether the mother of the petitioner needs urgent attention because of her serious ill health. The order further reveals that the request of the petitioner does not attract Rule 324 of the Goa Prisons Rule, 2006, which provides that parole may be granted to a prisoner in the event of emergent situation like death or serious illness of father, mother, brother, sister, spouse, children and any other sufficient reason.

4. The learned Additional Public Prosecutor has, therefore, rightly objected to grant the prayer.

5. My attention has been drawn to para 5 of the reply wherein it is stated that the petitioner was last surrendered to jail on 06/06/2019, after availing 30 days of parole and, thus, has completed just 2 months and 16 days on 22/08/2019 from his last return from parole. The earlier parole was sought on the similar ground.

6. The nominal role maintained by the Superintendent of Central Jail, reveals that the petitioner had been on parole or furlough for as many as 5 occasions. The petitioner appears to have been convicted of an offence under Section 304(i) of IPC and is sentenced to undergo imprisonment for 10 years along with fine of ₹10,000/-. The conduct of the petitioner from the nominal role appears to be satisfactory.

7. Looking to the recent release of the petitioner and in

the light of the fact that there is absence of any compelling reason so as to say the serious illness of petitioner's mother, I do not find any compelling situation to grant the relief as prayed for.

8. In view of the aforesaid observations, I do not find any substance to invoke writ jurisdiction of the Court seeking a mandamus against the respondent.

9. The petition is devoid of merit and, hence, stands dismissed. Rule is discharged.

PRITHVIRAJ K. CHAVAN, J.

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