

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.1 OF 2019

Suresh Azgaokar alias
Morajkar Azgaonkar,
aged 54 years old,
Prisoner No.290/16,
Presently serving sentence at
Modern Central Colvale 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, Advocate for the Petitioner.

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

***Coram : M. S. Sonak &
Prithviraj K. Chavan, JJ.***

Date : 14th January, 2019

Oral Judgment (Per M. S. Sonak, J)

Heard Mr. T. George John, learned counsel for the Petitioner and Mr. P. Faldessai, learned Additional Public Prosecutor for the Respondents.

2. Rule. Rule returnable forthwith. Heard finally with the consent of the learned counsel for the parties. Mr. P. Faldessai, learned Additional Public Prosecutor waives notice on behalf of the Respondents.

3. The challenge in this petition is to the order dated 5th December, 2018 made by the Inspector General of Prisons, rejecting the Petitioner's application for furlough.

4. The main reason for rejection is that there are four cases under the Negotiable Instruments Act pending against the Petitioner. The Petitioner is required to be produced before the Court at Vasco,

Bicholim and Quepem to attend the matters.

5. According to us, the aforesaid reason is not tenable. In the said four cases, it is not as if the Petitioner was placed under arrest. The pendency of the said four cases also did not prevent the Respondents releasing the Petitioner on parole earlier.

6. Accordingly, we set aside the impugned order dated 5th December, 2018 and direct the Respondents to reconsider the Petitioner's application for furlough on its own merits and in accordance with law. Needless to add that the Respondents shall not once again take into consideration the circumstance regarding the pendency of four cases under the Negotiable Instruments Act.

7. The Respondents to dispose of the furlough application on its own merits and in accordance with law as expeditiously as possible, in any case within a period of four weeks from today. The decision to be communicated to the Petitioner forthwith.

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

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

Prithviraj K. Chavan, J.

M. S. Sonak, J.

at*