

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION No.224 OF 2019

Yeshwant Bhagat,
major of age, Indian,
currently in custody at
Central Jail, Colvale, as a convict
prisoner through next friend
Jose R.A. Rodrigues, major,
Indian National, B4,
Riviera Residency, PDA Colony,
Porvorim, Bardez, Goa.

..... Petitioner.

Versus

1) The State of Goa,
through Chief Secretary,
Government of Goa,
Secretariat, Alto Porvorim,
Bardez, Goa.

2) Inspector General, Prisons,
Inspectorate of Prisons,
Government of Goa,
Collectorate Building,
Panaji, Goa.

3) State Sentence Review Board,
through its Member Secretary,
Inspector General, Prisons,
Government of Goa,
Panaji, Goa.

..... Respondents.

Mr. Ryan da Piedade Menezes, Advocate for the Petitioner.

Mr. S. R. Rivankar, Public Prosecutor for the Respondents.

***Coram : M.S. Sonak &
Smt. M.S. Jawalkar, JJ.***

Date : 27th January, 2020.

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

Heard Mr. Ryan Menezes for the Petitioner and Mr. Rivankar, learned 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.

3. The challenge, in this Petition, is to the following decision of the State Sentence Review Board, taken in its meeting held on 16th April, 2018 in the Chamber of the Chief Secretary, which reads as follows :

" 6. C.P. No.643/03-Yeshwant Bhagat, Central Jail Colvale :-

The I.G. Prisons briefed the Board that the convict prisoner-Ramesh Jadhav has undergone 15 years, 4 months, 21 days of actual imprisonment as on date and he has 3 years, 9 months, 24 days remission at his credit. During his entire confinement, he has been released three times on

furlough and there was nothing adversely reported by the Police against the said prisoner while on furlough.

Further, the I.G. Prisons informed that in the previous Board meeting that held on 18/08/2017, the Board deferred his case till the next meeting as the report from the District Magistrate was not received.

The Superintendent, Central Jail, Colvale informed that at present, the convict is 39 years of age and as on date, he has completed 19 years 1 months of imprisonment (including remission). He also submitted that the convict is working in Candle making Section and has never interrupted the routine and smooth functioning of Jail Administration and his overall conduct and character in jail is satisfactory. However, the said convict attempted to escape from lawful custody while in confinement. The superintendent further informed that the family members of the convict are not ready to accept him, if released prematurely.

Decision taken by the Board:-

Upon deliberation and considering the fact that the family members the said convict are not ready to accept him, if released prematurely, the Board did not recommend and rejected the premature release of the convict prisoner No.643/03-Yeshwant Bhagat and has decided to place the case before the Board only after two years in terms of the provision of sub-rule (3) of Rule 403 of the Goa Prison Rules, 2006."

4. Two years' time, as referred to in the aforesaid decision, is about to expire in April, 2020. Besides, the Petitioner has placed on

record an affidavit of David Jerald Francis Delaney, who has expressed willingness to accept the Petitioner for the purposes of rehabilitation from incarceration.

5. Therefore, without going into the issue as to whether the Sentence Review Board has properly considered the parameters prescribed under the Goa Prisons Rules, 2006 or not and keeping all contentions of all the parties specifically open, we direct the Sentence Review Board to take up for consideration the case of the Petitioner for premature release in its immediate meeting which, in any case, will have to be prior to April, 2020.

6. This Petition is disposed of in the aforesaid terms.

Smt. M.S. Jawalkar, J

M.S. Sonak, J.