

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO. 255 OF 2019

Mr. Dilip S. Shetye,
51 years old,
Convict Prisoner No.538/02,
Presently serving sentence at
Central Jail Colvale, Goa.

..... Petitioner

V e r s u s

- 1) State Sentence Review Board,
Chief Secretary,
Govt. of Goa,
Porvorim, Bardez, Goa.
- 2) The Inspector General of Prisons,
Government of Goa,
18th June Road, Old Education Building,
Panaji, Goa.
- 3) Public Prosecutor,
High Court building,
AG's Office,
High Court, Panaji-Goa.

..... Respondents

Mr. T. George John, Advocate for the Petitioner.

Mr. Pravin N. Faldessai, Addl. Public Prosecutor for Respondent nos.1,2 & 3.

Coram:- M. S. SONAK &
SMT. M. S. JAWALKAR, JJ.
Date:- 3rd March, 2020.

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

Rule. Rule is made returnable forthwith with the consent of and request of the learned counsel for the parties.

2. Heard Shri T. George, the learned counsel for the petitioner and Shri Pravin Faldessai, the learned Additional Public Prosecutor for the Respondents.

3. The petitioner seeks the following reliefs:

a) Issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction by quashing Minutes of Meeting held on 25/9/2019 regarding Case No.6, Convict Prisoner No.538/02- Dilip Soma Shetye and give direction to State Review Board as per Rule 18.05 to constitute Board within one week from order received by board and consider petitioner's premature release afresh.

b) Issue a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order of direction thereby calling for the records of meeting held on 25/9/2019 and re-examining the issue mentioned in this petition.

c) The petitioner is entitled for compensation.

d) Pass any order which deem fits in the larger interest of justice and oblige.

4. So far as the prayer clause (a) is concerned, Mr. Faldessai, the learned Additional Public Prosecutor states that the State Review Board is to meet in the

month of April 2020. He states that notwithstanding the earlier decision of the Board, the case of the petitioner for premature release will be considered by the State Review Board in its meeting to be held in April 2020.

5. We accept the aforesaid statement and direct that the case of the petitioner is to be considered by the State Review Board in the meeting to be scheduled in April 2020.

6. The State Review Board to decide the matter uninfluenced by its earlier decision. The State Review Board, to take into consideration the report made by the learned Sessions Judge (dated 15/2/2020) recommending the release of the petitioner. Mr. Faldessai states that the report of the Sessions Judge dated 15/2/2020 will be placed before the State Review Board for its consideration.

7. This according to us, addresses the relief in terms of prayer clause (a) of the petition.

8. In so far as prayer clause (b) is concerned, now that we have directed the State Review Board to consider the case of the petitioner for premature release afresh without being influenced by the decision taken in the previous meetings including the meeting held on 25/9/2019 even this relief stands substantially worked out.

9. In the facts of the present matter, no case is made out for grant of any

compensation. Accordingly, the relief of compensation is declined. The petitioner has neither pointed out the basis for seeking compensation nor has the petitioner made out any case for grant of compensation.

10. With the aforesaid directions the reliefs in the present petition stands substantially worked out.

11. The petition is, therefore, disposed off in the aforesaid terms.

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

SMT. M. S. JAWALKAR, J
ap/-

M. S. SONAK, J.