

IN THE HIGH COURT OF BOMBAY AT GOA

Criminal Writ Petition No.9 of 2021

Vinesh N. Fal Dessai,
Aged around 39 years old,
Prisoner No.175/15,
Presently serving sentence at
Central Jail, Colvale, Goa.

..... Petitioner

V e r s u s

1. Inspector General of Prisons,
1st floor, Old Education Building.
18th June Road,
Panaji-Goa-403001.

2. Public Prosecutor,
High Court Building, AG's Office,
High Court, Panaji-Goa

..... Respondents

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

Mr. Pravin Faldessai, Additional Public Prosecutor for the
Respondent/State.

Coram: M. S. JAWALKAR, J.**Date:- 3rd March, 2021.****Oral Judgment:**

Rule. Rule is made returnable forthwith at the request of the parties.

2. Heard Shri T. John George, the learned counsel for the petitioner and Shri

Pravin Faldessai, the learned Public Prosecutor for the Respondent- State.

3. By this petition, the petitioner is seeking relief of issuance of writ commanding the respondent no.1 i.e the Inspector General of Prisons to release the petitioner on parole leave for 30 days. It is his contention that the petitioner's applications used to be rejected on the ground that the petitioner used to file several applications for parole on similar grounds, which is contrary to the provisions of Rule 324 of the Goa Prisons Rules 2006. It is his contention that the respondent no.1 has not considered the new guidelines issued in **Asfaq Vs. State of Rajasthan (Civil Appeal No.10464 of 2017 arising of SLP(C) No.16803 of 2017))**. It is pointed out that the last release of the petitioner on parole was not on his application, but due to directions issued by the Honourable Apex Court.

4. The learned Additional Public Prosecutor has pointed out that the certificate in respect of the illness of his mother is dated 25/3/2020. After returning on 1/11/2020, after a period of six months of his parole, immediately on 13/11/2020, he applied for parole on the same ground of sickness of his mother. There is substance in the contention of the learned Additional Public Prosecutor. He also points out that the Judgment on which the petitioner is relying, the Hon'ble Apex Court [i.e. **Asfaq Vs. State of Rajasthan and others**]

(**supra**) in para 14, observed thus:

“When we recognise reformation as one of the objectives, it provides justification for letting of even the life convicts for short periods, on parole, in order to afford opportunities to such convicts not only to solve their personal and family problems but also to maintain their links with the society.

5. Thus the learned Additional Public Prosecutor submitted that parole should be of short period.

The learned counsel for the petitioner has submitted that the petitioner is ready to produce a recent medical certificate because his mother is continuously on dialysis and he is able to produce the same. His request is to direct the respondent no.1 to decide his application within a period of two weeks after his producing medical certificate.

6. The learned Additional Public Prosecutor has fairly agreed to the said suggestion.

7. Thus, in the interest of justice, it would be proper to direct the respondent no.1 Inspector General of Prisons to decide afresh his application within two weeks from the date the petitioner produces the medical certificate of illness of his mother.

8. The Respondent no.1 is at liberty to decide the said application on its own merits.

9. Accordingly, the petition is disposed of. Rule is made absolute in the aforesaid terms.

M. S. JAWALKAR, J.

ap/-