

(2017) 04 BOM CK 0252
In the Bombay High Court
Case No : 65 of 2017

ANTHONY REBELLO PRISIONER

APPELLANT

Vs

P P HIGH COURT, PANAJI, GOA

RESPONDENT

Date of Decision : 12-04-2017

Acts Referred:

[Indian Penal Code, 1860](#), [Section 302](#),
[Section 201](#), [Section 392](#) -
Goa Prison Rules, 2006, Rule 313(2)

Citation : (2017) 04 BOM CK 0252

Hon'ble Judges : F M Reis, Nutan D Sardessai

Bench : DIVISON BENCH

Advocate : T George John, P Faldessai

Judgement

1. Heard Shri T. George John, learned Advocate for the petitioner and Shri P. Faldessai, learned Additional Public Prosecutor for the respondents.
2. Rule. Shri P. Faldessai, learned Additional Public Prosecutor waives service on behalf of the respondents.
3. Heard forthwith with the consent of the learned Advocate appearing for the respective parties.
4. It was the case of the petitioner that he was convicted for the offences punishable under Section 302, 392 and 201 IPC and sentenced to undergo life imprisonment of which he had completed 17 years. He had applied for his release on furlough for 28 days which was however rejected by the respondent no.1 by the impugned order dated 23/03/2017 based on the police report and Rule 313 (2) Goa Prison Rules, 2006.
5. Shri T. George John, learned Advocate for the petitioner came to be heard on his behalf who reiterated the contents of the application and pressed for the release on furlough. Shri P. Faldessai, learned Additional Public Prosecutor for the respondent vehemently opposed the petition and submitted that though he was

serving conviction and in custody for the last 17 years nonetheless he was released in September, 2016. The petitioner as a convict under Section 392 IPC was not entitled to furlough in terms of the Prison Rules and, hence, the petition had to be rejected.

6. We have heard Shri T. George John, learned Advocate for the petitioner and Shri P. Faldessai, learned Additional Public Prosecutor for the respondents. On a consideration of the material placed before us and that he had been earlier released on furlough, we do not find the impugned order appropriate and accordingly set it aside with a direction to the respondent no.1 to reconsider his application afresh.

7. Rule is made absolute accordingly. No order as to costs.