

(2009) 07 BOM CK 0036

In the Bombay High Court

Case No : Criminal Writ Petition No. 45 of 2009

Francis D'Sa

APPELLANT

Vs

State and Superintendent of Prisons Central Jail

RESPONDENT

Date of Decision : 23-07-2009

Acts Referred:

Citation : (2009) 07 BOM CK 0036

Hon'ble Judges : N.A. Britto, J

Bench : Single Bench

Advocate : Asha Dessai, for the Appellant; Winnie Coutinho, Public Prosecutor, for the Respondent

Judgement

N.A. Britto, J.—Heard.

2. Rule. By consent heard forthwith.

3. The grievance raised by the Petitioner herein is that his application for furlough dated 9-7-2008 was not decided by the Inspector General of Prisons although the same was forwarded by the Superintendent of Jail to the Inspector General of Prisons for immediate action, and the Petitioner had again sent a reminder on 20-11-2008.

4. Ms. Winnie Coutinho, learned Public Prosecutor has submitted that his application has now been decided by Order dated 13-7-2009. A copy of the Order has been placed on record. Learned Public Prosecutor has further submitted that there was a delay in deciding the application because the prisoner had obtained a Portuguese citizenship.

5. Since the Petitioner's application for furlough has now been decided by Order dated 13-7-2009 nothing remains in this petition to be decided. Nevertheless, the matter cannot be allowed to end there since in number of cases the prisoners are compelled to approach this Court because their applications are not decided within a reasonable time. The Rules (Goa Prison Rules, 2006) provide for

granting of furlough and parole but have not specified the time limit during which the applications are to be decided by the Inspector General of Prisons. It has also come to the notice of this Court that many a times the applications are rendered infructuous because the purpose for which they have been applied for, ceases, by the time the application is decided.

6. In this case, the Inspector General of Prisons has taken over a year to decide the application. We are living in twenty first century, and we have wireless, telephones, mobiles, e-mails, at our disposal as a means of communication. Any District Collector or Superintendent of Police can be contacted in any part of the country within minutes. The only thing which comes in between is lack of will.

7. The Inspector General of Prisons therefore, needs to be given certain directions. It is hereby directed that the I. G. Prisons should ensure that all applications of the prisoners for furlough/parole who are otherwise permanent residents of this State should be decided within a period of six weeks and in case of others who are residents of outside the State within a period of eight weeks. These are only outer limits within which the applications are to be decided.