

(2011) 03 BOM CK 0145

In the Bombay High Court

Case No : Criminal Writ Petition No. 21 of 2011

Mr. Subhash Krishnan

APPELLANT

Vs

State of Goa and The Superintendent, Central Jail

RESPONDENT

Date of Decision : 29-03-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 302

Citation : (2011) 03 BOM CK 0145

Hon'ble Judges : A.P. Lavande, J

Bench : Single Bench

Advocate : Caroline Collasso, for the Appellant; C.A. Ferreira, Public Prosecutor, for the Respondent

Judgement

A.P. Lavande, J.—Heard Ms. Collasso, learned Counsel for the Petitioner and Mr. Ferreira, learned Public Prosecutor for the Respondents.

2. Rule. By consent heard forthwith.

3. By this writ petition, the Petitioner who is undergoing sentence of imprisonment for life for having committed an offence punishable u/s 302 of I.P.C. challenges the order dated 18th February, 2011 passed by Respondent No. 2 rejecting furlough sought by the Petitioner.

4. The Petitioner sought furlough for the period of 28 days vide application dated 10th January, 2011. The only ground on which the furlough has been refused to the Petitioner is that he had availed the facility of parole for a period of 21 days from 18th June, 2010 to 8th July, 2010 and just six months have been completed.

5. Perusal of the Goa Prison Rules, 2006 discloses that the ground on which Respondent No. 2 has refused furlough to the Petitioner is not a ground for rejection of furlough to a convict undergoing imprisonment of life. Hence, the impugned order is patently unsustainable in law and is liable to be quashed and set aside.

6. In view of the above, the impugned order dated 18th February, 2011 refusing furlough to the Petitioner is quashed and set aside and Respondent No. 2 is directed to decide afresh the application dated 10th January, 2011 filed by the Petitioner seeking furlough expeditiously and in any case within a period of three weeks from the date of receipt of the order, in accordance with the Goa Prison Rules, 2006.

7. Rule is made partly absolute in aforesaid terms.