

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.22/2002

Ravindra Haldankar,  
Convict No.528, Central Jail,  
Aguada, S. Bardez, Goa. .... Petitioner.

V/s.  
State of Goa, through the  
Inspector General of Prisons,  
Panaji, Goa. .... Respondent.

Ms. R.V. Thakur, Advocate appointed under the Legal Aid  
Panel, for the petitioner.

Mr. V.P. Thali, Addl. Advocate General with Ms. Susan  
Linhares Addl. Govt. Advocate for the respondent.

CORAM : P.V. HARDAS, J.  
DATE : JULY 26, 2002.

ORAL JUDGMENT :

Rule. Rule made returnable forthwith by consent  
of parties.

2. This petition has been filed by the  
petitioner from the jail challenging the order of the  
Inspector General of Prisons dated 12.6.2002, refusing  
the request of the petitioner to release him on parole.  
This Court appointed Miss. R.V. Thakur to represent the  
petitioner in this petition.

3. Miss Thakur, the learned Counsel appearing  
for the petitioner, has ably represented the case of the  
petitioner and has stated that the petitioner has sought  
parole on the ground of sickness of his mother. Pursuant  
to the application of the petitioner, the Superintendent

of Police, North Goa, conducted an inquiry and submitted his report dated 3.6.2002. According to learned Counsel for the petitioner, a perusal of the report would show that no inquiry has been conducted by the Superintendent of Police in respect of illness of the mother of the petitioner. It is also urged before me by the learned Counsel for the petitioner that the order of the Inspector General of Prisons is based principally upon the report of the Superintendent of Police dated 3.6.2002.

4. Ms. Linhares, the learned Addl. Govt. Advocate representing the State, who has ably tried to defend the report of the Superintendent of Police, has urged before me that for the reasons stated in the report of the Superintendent of Police, the Inspector General of Prisons passed an order that no case had been made out for the release of the petitioner on parole. According to the learned Counsel for the respondent/State, the Inspector General of Prisons has given reasons for declining the release of the petitioner on parole.

5. There is substance in the submission of the learned Counsel for the petitioner that the reason on which the parole was sought, has not been inquired into at all by the Superintendent of Police, North Goa, as is evident from the report dated 3.6.2002. Similarly, there is no reference at all to this ground for seeking parole

in the impugned order dated 12.6.2002. All that the impugned order refers to is that the mother of the petitioner is not residing with the wife of the petitioner.

6. The authorities while declining to grant parole should take into consideration the reasons which are advanced for seeking parole. The order on the face of it should disclose an application of mind while declining the application of the petitioner. In the present case, there is total absence of application of mind and the impugned order thus cannot be sustained.

7. In the result, therefore, Criminal Writ Petition is allowed. The Inspector General of Prisons is directed to decide the application of the petitioner for parole, afresh, if necessary, calling for the report from the Superintendent of Police, North Goa within three weeks from the date of receipt of the writ of this Court.

8. Writ Petition is, thus, allowed, Rule is made absolute in the above terms, with no order as to costs.

P.V. HARDAS, J.

ssm.