

CRIMINAL WRIT PETITION NO. 36 OF 2002

Thambi Nazir, presently  
lodged at Central Jail,  
Aguada.

... Petitioner.

Versus

STATE of Goa, through the  
I.G. Prisons, Panaji, Goa.

... Respondent.

Shri R. B. D'Sa, Advocate appointed as Amicus Curiae for  
the petitioner.

Shri A. P. Lawande, Public Prosecutor for the State.

CORAM: P. V. KAKADE, J.

DATE: 12th December, 2002.

ORAL ORDER

Heard both sides. This petition has been filed by  
the prisoner serving sentence for an offence punishable  
under Sections 395 and 376 of the Indian Penal Code.

On 13th June, 2002, when the petition came up for  
hearing, the application was disposed of directing the Jail  
Authorities to make fresh enquiry and submit a report in  
detail. Accordingly, the Report has been received, which  
essentially reiterates the grounds which were given for  
rejection of the request for parole. The ground which was  
mentioned by the petitioner was that his father had expired  
and there was nobody else to perform the religious rites  
subsequent to the death of his father. However, the Report  
shows that the petitioner's elder brother is there to  
perform such rites and, therefore, it was not sufficient  
cause to grant parole. Moreover, the respondent has also

expressed the apprehension that the petitioner is a native of Tamil Nadu and there is every possibility that he may not return if released on parole, which reason, in my view, is quite valid.

2. In view of this situation, I am of the view that the petitioner is not entitled to parole at all and in view of this aspect, the petition stands dismissed. However, it is made clear that the petitioner is at liberty to make a fresh application for furlough, if so desired.

The petition is disposed of.

P. V. KAKADE, J.

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