

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CW-162-2020**

Girish Shirodkar,
presently undergoing sentence at
Central Jail Colvale,
Resident of H.No.1234,
Model Chorao,
Tiswadi, Goa.

... Petitioner

Versus

1. State of Goa
Represented by Advocate General
High Court of Bombay, Panaji, Goa.
2. Department of Home,(General),
Secretariat, Parvorim, Goa.
3. Central Jail, Colvale, Goa
Through Jailor

... Respondents

Shri Sahil Sardessai, Advocate for the petitioner.

Shri Pravin Faldessai, Additional Public Prosecutor for the
respondents.

**Coram:- M. S. SONAK &
DAMA SESHADRI NAIDU, JJ.**

Date :- 28th August, 2020

ORAL JUDGMENT :(Per M.S. Sonak,J)

Heard Shri Sahil Sardessai, learned Counsel for the petitioner, Shri Pravin Faldessai, learned Additional Public Prosecutor for the respondents.

2. We issue Rule and with the consent of the learned Counsel for the parties make Rule returnable forthwith.

3. In this Case, the petitioner, who is a convict prisoner, was in fact released on parole taking into consideration the Covid-19 pandemic situation. Upon the expiry of the term of parole, the petitioner dutifully returned back to the jail. Hardly, within two days from the date of such returning, by order dated 12th August, 2020, the petitioner's application for extension of parole has also been allowed by the Competent Authority. This extension is also basically taking into account the current Covid-19 pandemic situation.

4. Shri Faldessai, learned Additional Public Prosecutor points out that in terms of Rule 331 of the Goa Prison's Rules, once the prisoner returns back after completing the term of parole initially granted, the subsequent extension is legally non-operative. It is on the basis of this Rule that the petitioner has not been released on parole though, the extension order was in fact made on 12th August,2020.

5. Taking into consideration the Covid-19 pandemic situation as also the effect of the same at the Colvale jail, we feel that Rule 331 of the Goa Prison's Rules will not be strictly attracted in this matter. It is not the case of the respondents that the petitioner has breached any terms and conditions subject to which he was released on parole. In fact, the record indicates that the petitioner dutifully returned to the jail upon the expiry of his term, even though his application for extension was pending. In these peculiar facts, we feel that Rule 331 will not be attracted, and

on the basis of the same, there is no good ground not to give effect to the order of extension of the parole term.

6. Accordingly, we allow this petition and direct the Competent Authority to release the petitioner on parole for a fresh term which the authority may now specify and on the usual terms and conditions. The Rule is made absolute in the aforesaid terms. There shall be no order as to costs.

7. All concerned to act on the basis of an authenticated copy of this order.

DAMA SESHADRI NAIDU, J.
mv

M. S. SONAK, J.