

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**WRIT PETITION NO. 1715 OF 2014**

State of Maharashtra.

..Petitioner.

Versus

Abu Salem Ansari and Another.

..Respondents.

Mr. S. K. Shinde, Public Prosecutor a/w Mr. Y. M. Makhawa, APP  
for the State.

Mr. Sandeep Pasbola a/w Ashwin Thad i/b Rupesh Karanade for  
Respondent No. 1.

Mr. D. N. Salvi, Sp.PP for CBI.

Coram : RANJIT MORE &  
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **February 24, 2015.**

P. C. :

1. By this writ petition, the Petitioner - State is  
challenging the order dated 28<sup>th</sup> January 2014 passed by the  
Designated Judge for TADA, below Exhibit- 326 in BBC Case No.  
1-B/1993. By the said order, 1<sup>st</sup> Respondent's application was  
allowed and he was directed to be shifted from Central Prison,  
Thane to Central Prison Taloja.

2. In addition to BBC Case. No. 1-B/1993, Respondent  
No.1 was also accused in TADA Special Case No.1/2006,  
famously known as *Jain Murder Case*, which has arisen from  
FIR No. 145 of 1995 registered at D.N.Nagar Police Station,

Mumbai. During the pendency of this writ petition, TADA Special Case No. 1/2006 came to be decided on 13<sup>th</sup> February 2015 and Respondent No.1 is convicted for the offences under which he was charged.

3. Perusal of the impugned order discloses that Respondent No.1 was directed to be re-transferred from Central Prison, Thane to Central Prison, Talaja as Respondent No.1 at the relevant time was an under-trial prisoner in both the cases referred to above. However, in view of the conviction of Respondent No.1 in TADA Special Case No.1/2006, he assumes the character of a convicted prisoner. Section 29 of the Prisoners Act, 1999 provides for the removal of any prisoner who is convicted. For that purpose, leave of the Court is not necessary. When the impugned order was passed, Respondent No.1 was an under-trial prisoner. As stated above, during the pendency of the present petition, Respondent No.1 has been convicted in TADA Special Case No.1/2006 and therefore the State Government is now competent to remove-shift him from one prison to another.

4. In the light of above-stated subsequent developments, the order impugned becomes infructuous. Petition therefore will not survive for consideration and it is accordingly disposed of.

**[SMT. ANUJA PRABHUDESSAI, J.]**

**[RANJIT MORE, J.]**