

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3231 OF 2015

Subhashsingh Shobhnathsingh Thakur ..Petitioner
Versus
The State of Maharashtra and ors. ..Respondents

Mr. R. D. Suryawanshi, advocate for the petitioner.
Mrs. U. V. Kejriwal, APP for the State.

**CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.**

DATE : 3rd DECEMBER, 2015.

P. C. :

Heard.

2. The petition is filed seeking direction to respondent Nos. 1 and 2 to transfer the petitioner from the prison of the State of Maharashtra to the prison of the State of Uttar Pradesh.

3. The learned counsel for the petitioner relies upon the Transfer of Prisoners Act, 1950 and the Removal of Prisoners Order, 1965, in this regard. Perusal of the same reveals that the competent authority to take decision in this regard is the State. A detailed procedure is prescribed under the Removal of Prisoners Order, 1965. The learned counsel for the petitioner contends that he had already made an application for the petitioner's transfer to the prison of the State of Uttar Pradesh to the Inspector General of the Prison. However, the same is not decided.

4. Since we find that the competent authority to decide such an application is State and the petitioner has not preferred any application before the State Government, we grant liberty to the petitioner to approach the State Government for his transfer to the prison of Uttar Pradesh.

5. In the event, such an application is filed by the petitioner within a period of four weeks from today, the State Government shall decide the same as expeditiously as possible and preferably within a period of twelve weeks from the date of filing of the same. It is made expressly clear that the said application, which may be filed by the petitioner, shall be decided in accordance with the relevant Rules and law. Needless to mentioned that this order should not be construed as an expression of any opinion on the merits of the matter.

6. In the light of the above order, the writ petition is disposed of.

7. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]