

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.699 OF 2014

Satsingh Ajitsingh Kalyani

Petitioner

versus

The Inspector General of Prison, Maharashtra
and others

Respondents

Ms.Harjeet Kaur for Petitioner.

Mr.K.V.Saste, APP, for State.

CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.

DATE : 9th August 2016

PC :

1. The Petitioner challenges decision taken by concerned authorities disqualifying him to be sent to open prison. On the earlier occasion the Petitioner was not permitted to be shifted to open prison. The said decision was subject matter of Writ Petition No.2158 of 2013 filed by the Petitioner. By an order dated 13 February 2014, a Division Bench dismissed the said petition by approving the decision of the authorities concerned.

2. Learned counsel for Petitioner submits that Petitioner's record is unblemished. He was released on furlough leave and parole on number of occasions and he surrendered to the jail. The conduct of the Petitioner is good and he is entitled to be shifted to open jail. Learned APP supports impugned order.

3. We have heard learned counsel for parties. Perused the affidavit filed by Mr.Kaustubh Kurlekar, Deputy Superintendent, Yerwada Central Prison, Pune dated 2 February 2015. The impugned order is passed in the year 2013. A perusal of the affidavit of Deputy Superintendent shows that the authorities had taken into consideration certain factors for denying the Petitioner's request to be shifted to open prison. In the facts, we are not inclined to interfere in the impugned order.

4. However, if Petitioner desires, he may file a fresh application to the authorities. In case such an application is made by the Petitioner, the authorities concerned shall take appropriate decision expeditiously on its own merits and in accordance with law, which shall be communicated to the Petitioner.

5. With above observations, Writ Petition No.699 of 2014 stands disposed of.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)