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HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 105 of 2016**

Pawan Singh Rajput S/o Late Shri Brijlal Singh Rajput, Aged About 37 Years R/o Village Khairkhundi, Tahsil Ratanpur, District Bilaspur, Chhattisgarh Presently Address Phokatpara, Sarwamangala Road, Police Station City Kotwali, Korba, District Korba Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Jail Department Mahanadi Bhawan, Mantralaya, Raipur Chhattisgarh
2. The Director General Of Prisons and Correctional Services Chhattisgarh, Head Quarter Prisons And Correctional Services Chhattisgarh, Raipur Chhattisgarh
3. The Deputy Inspector General, Head, Quarter, Prisons And Correctional Services Chhattisgarh Raipur Chhattisgarh
4. The District Magistrate, Bilaspur Chhattisgarh
5. The Jail Superintendent, Central Jail, Bilaspur Chhattisgarh
6. The Jail Superintendent, District Jail Korba Chhattisgarh

---- Respondents

For Petitioners : Shri Rishi Rahul Soni, Advocate.
 For Respondents/State : Shri Arun Sao, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****12/04/2017**

(1) The petitioner was convicted by Additional Sessions Judge (FTC), Korba in Sessions Trial No. 99/2006 for commission of offence punishable under Sections 302, 201 & 404 of the Indian Penal Code and sentenced him to undergo imprisonment for life & pay fine of Rs.5,000/- u/S 302 IPC, to undergo RI of five months u/S 201 IPC & to undergo RI for one year & pay fine of Rs.1,000/- u/s 404 IPC, with default stipulations. Thereafter, he was transferred to Central Jail, Bilaspur as per Rule 433 (e)(iv) of the Madhya

Pradesh Prisons Rules, 1968 (for short “Rules, 1968”).

(2) The petitioner made an application under Rule 791(f) of the Rules, 1968 for his transfer from Central Jail, Bilaspur to Central Jail, Korba. By the impugned letter/order dated 28.08.2015, the said application has been rejected by respondent No. 3- Deputy Inspector General of Police, Raipur, against which, the instant writ petition has been filed questioning the same.

(3) Learned counsel for the petitioner would submit that the respondent No. 3- Deputy Inspector General of Police can transfer the prisoner/petitioner from the one Central Jail to another Central Jail and therefore, the petitioner's application has been rejected by recording the findings which are perverse and contrary to the law. He would submit that casual prisoner i.e. petitioner with sentences exceeding ten years shall be transferred to the central Jail, Korba.

(4) Per contra, learned counsel for the respondent would support the impugned letter/order.

(5) I have heard learned counsel appearing for the parties and perused the record with utmost circumspection.

(6) Rule 433 (e)(iv) of the Rules, 1968 states as under:-

“433. Adult male convict where to be confined.- Adult male convicted criminal prisoners shall ordinarily be detained for purposes of undergoing their sentence in the jails to which they are, in the first instance, committed subject to the limitations set out below :-

(i) No habitual prisoners with sentences of over six months shall be confined in District Jails Class II in Madhya Pradesh. All such prisoners shall be transferred to the jails as shown below :-

(a) xxxx	xxxx	xxxx
(b) xxxx	xxxx	xxxx
(c) xxxx	xxxx	xxxx
(d) xxxx	xxxx	xxxx

(e) All habitual prisoners from the jails located in Madhya Pradesh with sentences exceeding 10 years shall be transferred to the Central Jail, Jabalpur.

(ii) xxxx	xxxx	xxxx
(iii)xxxxx	xxxx	xxxx

791. Transfer of prisoners under Inspector-General's order- The following transfers can be made, subject to the orders of the Inspector General.

(b) xxx xxxx xxxx

(8) The petitioner is undergoing sentence of life and as per Rule 433 (e) (iv) he has been transferred to Central Jail, Bilaspur. Respondent No. 3. - Deputy Inspector General of Police did not find any ground to transfer the petitioner from Central Jail, Bilaspur to Central Jail, Korba under Section 791(f) of the Rules, 1968, which, in the considered opinion of this Court, cannot be said to be perverse and the same is based on the provision of Madhya Pradesh Prisons Rules, 1968, in which I do not find any jurisdictional error warranting interference by this Court in the instant writ petition.

(9) For the reasons mentioned hereinabove, the writ petition fails and is accordingly dismissed. No order as to costs.

(Sanjay K. Agrawal)
Judge

D/-