

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 409/2017

(GAJANAN BABULAL BATTULWAR (IN JAIL) **VERSUS** THE JAIL SUPERINTENDENT, OPEN PRISON,
 GADCHIROLI & ANOTHER)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri M. Nagman Ali, counsel for the petitioner.
 Shri P.S. Tembhare, Additional Public Prosecutor for the R-1 & 2.

CORAM : SMT. VASANTI A NAIK AND
M.G. GIRATKAR, JJ.

DATE : AUGUST 14, 2017.

By this criminal writ petition, the petitioner had sought a direction against the respondents to transfer the petitioner from Gadchiroli open prison to Morshi open prison.

Shri Tembhare, the learned Additional Public Prosecutor appearing for the respondents, has tendered an affidavit-in-reply of the respondent no.1 in the Court, today. The same is accepted on record.

It is stated in the affidavit-in-reply that the prayer made by the petitioner cannot be granted as while the petitioner was placed in Gadchiroli open prison, a first information report is registered against the petitioner for the offences punishable under Sections 294, 506-B, 323, 427 of the Penal Code and Section 4/25 of the Arms Act. It is submitted that since the petitioner is not entitled to remain in open prison at Gadchiroli, the claim of the petitioner for his transfer to Morshi open prison cannot be granted.

The cause for filing the present petition is rendered infructuous in view of subsequent development that could be noticed on the basis of the affidavit-in-reply of the respondent no.1.

The criminal writ petition is, therefore, disposed of. Order accordingly.

JUDGE

JUDGE

APTE